





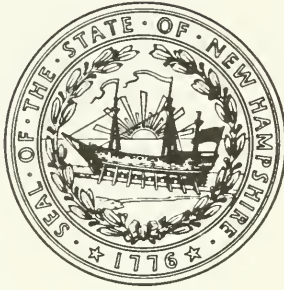








# NEW HAMPSHIRE GENERAL COURT



## JOURNAL of the HOUSE OF REPRESENTATIVES

Containing the  
1992 Session  
January 8, 1992  
through  
June 17, 1992

HAROLD W. BURNS  
SPEAKER

JAMES A. CHANDLER  
CLERK

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# REGULAR SESSION OF 1992

## HOUSE JOURNAL No. 1

Wednesday, January 8, 1992

This day, January 8, 1992, the first Wednesday following the first Tuesday in January, being the day designated by the Constitution (Art. 3rd, Part 2nd) for assembling of the second-year session of the 152nd General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 1992 House of Representatives and called the session to order at 12:30 p.m.

Prayer was offered by Rep. Lindblade.

Let us pray. Almighty God grant us wisdom, grant us courage for the facing of this hour and all the hours of sessions and committees.

In these times of quiet desperation, remind us ever that it is ultimately to ourselves that we must look for answers to the problems which so sorely beset us.

May the laws we pass and the laws we do not pass prove to be a blessing and not a bane to the people of our state. Amen.

Rep. William Desrosiers led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Kane, Jelley, Daniel Healy, Morse, Kilbride, Terninko, Parks, Ralph Torr, Stewart, Feuerstein and Falwell, the day illness.

Reps. Bickford, Paquette, Drake, Schmidtchen, Flint, Trombly, Beach, Jeffrey Brown and Magoon, the day important business.

### INTRODUCTION OF GUESTS

Lars Christianson and Todd Linscott, guests of Rep. Searles. Bertha Hill, guest of Rep. Senter. Angelea Urbano, guest of Rep. William Desrosiers. Claudette Jean, guest of Rep. Baldizar. Shaun Cook, son of Rep. Valerie Cook. Oliver Fowler, guest of Rep. Felch. Barbara Scott, guest of Rep. Zaharchuk. Jim Sword, Yasmin McEwen, Matt Neison and Niramol Ruenprom, guests of Rep. Maviglio. Tasos Argiras, guest of Rep. Tsiros. Jane Sawyer, daughter of Rep. Sawyer.

### COMMUNICATIONS

December 18, 1991

James Chandler, House Clerk

This is to advise you that the following representative-elect was sworn into office by the Governor and Executive Council on December 18, 1991.

Hillsborough County District No. 46 ( Manchester Ward 11)

Robert Paul Asselin, d, Manchester (164 Douglas St.) 03102

William M. Gardner, Secretary of State

January 7, 1992

James Chandler, House Clerk

This is to advise you that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Cheshire County District No. 13 (Keene Ward 2)

Frederick C. Mohr, r, Keene (31 Beech St.) 03431

William M. Gardner, Secretary of State

**CALL OF THE ROLL  
BELKNAP COUNTY**

- Dist. No. 1 Steven R. Maviglio, d&r  
Dist. No. 2 William W. Joscelyn, d  
Dist. No. 3 (1 seat)  
Dist. No. 4 Carl R. Johnson, r&d; Charles C. Vogler, r&d  
Dist. No. 5 Gordon E. Bartlett, r; Thomas G. Cain, r; Richard H. Campbell, Jr., r;  
Robert S. Hawkins, r  
Dist. No. 6 Alice S. Ziegler, r&d (2 seats)  
Dist. No. 7 Paul A. Golden, r  
Dist. No. 8 Thomas E.P. Rice, Jr., r  
Dist. No. 9 Ralph J. Rosen, r  
Dist. No. 10 Harry Accornero, r; Peter J. Zaharchuk, Jr., r  
Dist. No. 11 Robert H. Turner, r  
Dist. No. 12 Glenn E. Dewhirst, r  
Dist. No. 13 Robert G. Holbrook, r&d

**CARROLL COUNTY**

- Dist. No. 1 Gene G. Chandler, r&d  
Dist. No. 2 Nanci A. Allard, r; Howard C. Dickinson, Jr., r; A. Gibb Dodge, r  
Dist. No. 3 Robert J. Daly, Jr., r  
Dist. No. 4 Robert W. Foster, r; Allen R. Wiggin, r  
Dist. No. 5 Robert R. Jean, r; Howard N. Saunders, r  
Dist. No. 6 Jeb E. Bradley, r (2 seats)  
Dist. No. 7 Gordon E. Wiggin, r&d

**CHESHIRE COUNTY**

- Dist. No. 1 James B. Hogan, r; David A. Young, r  
Dist. No. 2 John J. Laurent, r&d (2 seats)  
Dist. No. 3 Eugene W. Clark, d&r; Kenneth A. Cole, d; Irene A. Pratt, d  
Dist. No. 4 Joseph N. Feuer, r  
Dist. No. 5 Daniel M. Burnham, d; William A. Riley, d&r  
Dist. No. 6 Richard A. Grodin, r&d; Alfred P. Sawyer, r  
Dist. No. 7 (1 seat)  
Dist. No. 8 Donald O. Crutchley, r  
Dist. No. 9 John B. Hunt, r  
Dist. No. 10 Stacey W. Cole, r; David M. Perry, r  
Dist. No. 11 Katherine H. Metzger, r  
Dist. No. 12 Benjamin J. DePecol, d&r  
Dist. No. 13 Frederick C. Mohr, r  
Dist. No. 14 H. Thayer Kingsbury, d  
Dist. No. 15 Gertrude B. Pearson, r&d  
Dist. No. 16 David M. LaMar, d  
Dist. No. 17 Richard L. Champagne, d; Richard F. Doucette, d; Margaret A. Lynch, d (4 seats)

**COOS COUNTY**

- Dist. No. 1 Beaton Marsh, r; Gerald P. Merrill, r  
Dist. No. 2 C. Fitzgerald Buckley, r  
Dist. No. 3 Josephine Mayhew, d  
Dist. No. 4 Lynn C. Horton, r



- Dist. No. 5 Harold W. Burns, r&d
- Dist. No. 6 Leighton C. Pratt, r
- Dist. No. 7 Lawrence J. Guay, r; Terry D. Oliver, d
- Dist. No. 8 Catherine V. Brungot, r; Henry W. Coulombe, d&r; Marie C. Hawkinson, d&r; Harold D. Nelson, d&r; Romeo J. Theriault, d (6 seats)

### GRAFTON COUNTY

- Dist. No. 1 Richard L. Hill, r; Kathleen W. Ward, r&d (3 seats)
- Dist. No. 2 Richard T. Trelfa, r
- Dist. No. 3 Deborah P. McIlwaine, d
- Dist. No. 4 (1 seat)
- Dist. No. 5 Douglass P. Teschner, r&d (2 seats)
- Dist. No. 6 J. Keith Markley, r; Paul R. White, r
- Dist. No. 7 Deborah L. Arnesen, d
- Dist. No. 8 William J. Driscoll, r&d; Niels F. Nielsen, Jr., r&d (3 seats)
- Dist. No. 9 Nils H. Larson, Jr., r
- Dist. No. 10 Ralph E. Shackett, r
- Dist. No. 11 Patricia B. Brown, r&d; C. Dana Christy, r&d; David M. Scanlan, r&d
- Dist. No. 12 Mary P. Chambers, d; Marion L. Copenhaver, d; Robert H. Guest, d; Sharon L. Nordgren, d
- Dist. No. 13 Carl S. Adams, r; Pamela B. Bean, r&d; Channing T. Brown, r; Richard W. Lougee, r; Karen O. Wadsworth, r&d

### HILLSBOROUGH COUNTY

- Dist. No. 1 David D. Hultgren, r; Ervin R. Lachut, r
- Dist. No. 2 Larry G. Elliott, r
- Dist. No. 3 Neal M. Kurk, r&d
- Dist. No. 4 Roland A. Sallada, r
- Dist. No. 5 Elizabeth A. Moore, r
- Dist. No. 6 Lawrence A. Emerton, Sr., r; Ruth E. Gage, d; Daniel P. McNerney, r; Karen K. McRae, r; Robert L. Wheeler, r
- Dist. No. 7 Eleanor H. Amidon, r; Merton S. Dyer, r; Stanley W. Peters, r
- Dist. No. 8 Paul L. Drolet, r; Howard F. Mason, r
- Dist. No. 9 Garret P. Cowenhoven, r; Carol H. Holden, r; Elizabeth D. Lown, r&d; Nancy L. Tarpley-Bamberger, r
- Dist. No. 10 Gary L. Daniels, r&d; Charles W. Ferguson, r&d; Karen A. Carpenter, r; David K. Wheeler, r&d
- Dist. No. 11 Dorothy C. Bowers, r&d; Maurice E. Goulet, r; Dana F. Kelley, r&d; Barbara A. Upton, r&d
- Dist. No. 12 Ellen-Ann Robinson, r
- Dist. No. 13 Frederick G. Ahrens, r; Emma M. Dodge, r; Dennis H. Fields, r; Robert N. Kelley, r; Robert J. L'Heureux, r&d; Finlay C. Rothhaus, r
- Dist. No. 14 Leon Calawa, Jr., r
- Dist. No. 15 Bonnie B. Packard, r&d
- Dist. No. 16 Betty B. Hall, d
- Dist. No. 17 Gregory L. Hanselman, i&d
- Dist. No. 18 Susan B. Durham, r; George W. Wright, r
- Dist. No. 19 David J. Alukonis, r; George H. Baker, Sr., d; Shawn N. Jasper, r; Stanley N. Searles, Sr., r; Joan C. Tate, r (6 seats)

- Dist. No. 20 James J. Fenton, r; Eva M. Lawrence, r; Norman B. Lawrence, r
- Dist. No. 21 Leonard A. Smith, r
- Dist. No. 22 Philip M. Ackerman, d; Barbara J. Baldizar, d; Alan B. Greenglass, r
- Dist. No. 23 Robert S. Mercer, r; Alice B. Record, r; Stanley R. Vanderlosk, r
- Dist. No. 24 Robert A. Daigle, d&r; Arthur P. Ferlan, r; Nancy M. Ford, r;
- Dist. No. 25 Jane A. Clemons, d; David E. Cote, d; Donnalee M. Lozeau, r
- Dist. No. 26 Frederick B. Andrews, r; Francis X. Donovan, d; Mary Ellen Martin, d
- Dist. No. 27 Richard D. Chasse, d
- Dist. No. 28 Alphonse A. Haettenschwiller, d; Romeo W. Jean, d (3 seats)
- Dist. No. 29 Roland J. Lefebvre, d; James E. McDowell, d&r (3 seats)
- Dist. No. 30 Adam C. Gureckis, Sr., d&r; Mary H. Jordan, d (3 seats)
- Dist. No. 31 Bonnie Lou McCann, d&r; Debora B. Pignatelli, d (3 seats)
- Dist. No. 32 A. Theresa Drabinowicz, d
- Dist. No. 33 Barbara E. Arnold, r (3 seats)
- Dist. No. 34 Walter F. Healy, r; Walter A. Stiles, r (3 seats)
- Dist. No. 35 Ann J. Bourque, d; Theodora P. Nardi, d; Joanne A. O'Rourke, d&r
- Dist. No. 36 Scott E. Green, r
- Dist. No. 37 Lionel W. Johnson, d; Cornelius J. Keane, d; Leo P. Pepino, r
- Dist. No. 38 Roger B. Larochelle, d (3 seats)
- Dist. No. 39 Benjamin C. Baroody, d; Gregory Janas, d; Donna M. Soucy, d
- Dist. No. 40 Robert E. Murphy, d
- Dist. No. 41 Edward J. Crotty, d&r; Patricia R. Dwyer, d; Charles J. Leclerc, d
- Dist. No. 42 Raymond Buckley, d; Valerie S. Cook, r (3 seats)
- Dist. No. 43 William J. Desrosiers, r; Gerald O. Gosselin, d; Frank P. King, d
- Dist. No. 44 Frances L. Riley, r
- Dist. No. 45 Irene M. Messier, r; John M. White, d (3 seats)
- Dist. No. 46 Robert P. Asselin, d; Roland M. Turgeon, d (3 seats)
- Dist. No. 47 Eugene L. Gagnon, r; Lillian I. Rheault, r (3 seats)
- Dist. No. 48 Robert O. Ouellette, r

#### MERRIMACK COUNTY

- Dist. No. 1 Earle W. Chandler, r; John P. Chandler, r
- Dist. No. 2 Alf E. Jacobson, r; William F. Kidder, r; Avis B. Nichols, r
- Dist. No. 3 Thea G. Braiterman, d; Mary E. Molner, d
- Dist. No. 4 Elizabeth S. Millard, r (2 seats)
- Dist. No. 5 Susan D. Carter, r; C. William Johnson, r&d; Mary Ann Lewis, r&d; Peter M. Stio, r
- Dist. No. 6 Richard A. Barberia, r; Robert A. Lockwood, r&d; Henry F. Stapleton, r
- Dist. No. 7 Eleanor M. Anderson, r; Patricia A. Fair, r; Douglas E. Hall, r; Charles B. Yeaton, d
- Dist. No. 8 Gabriel J. Daneault, d&r; George E. Letourneau, d&r
- Dist. No. 9 Lowell D. Apple, r&d; Laurent J. Boucher, r (3 seats)
- Dist. No. 10 Bronwyn L. Asplund, r&d; James A. Whittemore, r&d (3 seats)
- Dist. No. 11 Joyce M. Johnson, d&r
- Dist. No. 12 Robert M. Gilbreth, r&d
- Dist. No. 13 Mary C. Holmes, r
- Dist. No. 14 Michael J. Hill, r
- Dist. No. 15 Paul R. Fillion, r



- Dist. No. 16 Caroline L. Gross, r
- Dist. No. 17 (1 seat)
- Dist. No. 18 Bert Teague, r
- Dist. No. 19 Jennifer G. Soldati, d&r
- Dist. No. 20 Gerald R. Smith, r
- Dist. No. 21 Miriam D. Dunn, d; Elizabeth S. Hager, r; Robert C. Hayes, r; Mary Jane Wallner, d (5 seats)

### ROCKINGHAM COUNTY

- Dist. No. 1 Robert A. Johnson, r
- Dist. No. 2 (1 seat)
- Dist. No. 3 Russell G. Seward, r
- Dist. No. 4 David R. Connell, r&d
- Dist. No. 5 Richardson D. Benton, r&d; Henry E. Wells, r (3 seats)
- Dist. No. 6 John S. Barnes, Jr., r; John Hoar, Jr., r&d; Kathleen M. Hoelzel, r; Calvin Warburton, r
- Dist. No. 7 Janet M. Conroy, r&d; Sandra K. Dowd, r&d; Patricia A. Dowling, r&d; George N. Katsakiores, r&d; Phyllis M. Katsakiores, r; Brenda E. Keith, r&d; Virginia K. Lovejoy, r; Nancy W. MacKinnon, r&d
- Dist. No. 8 Robert V. Falwell, r&d; Natalie S. Flanagan, r&d
- Dist. No. 9 LeRoy S. Dube, r&d; Richard L. Haynes, r; Merilyn P. Senter, r&d; Peter M. Simon, r&d
- Dist. No. 10 John W. Flanders, Sr., r; David A. Welch, r&d (3 seats)
- Dist. No. 11 Patricia L. Cote, r; William F. McCain, r&d
- Dist. No. 12 Albert Caswell, Jr., d; Joseph Schanda, Sr., d
- Dist. No. 13 Carmela M. DiPietro, r; David A. Flanders, r; Thaddeus E. Klemarczyk, r; Arthur Tufts, r (5 seats)
- Dist. No. 14 Charles H. Felch, Sr., r (2 seats)
- Dist. No. 15 James R. Rosencrantz, d
- Dist. No. 16 Frank J. Palazzo, r
- Dist. No. 17 Andrew Christie, Jr., r; Sharleene P. Hurst, r; Kenneth W. Malcolm, r; Ednapearl F. Parr, r; LeRoy C. Thayer, r
- Dist. No. 18 John J. Coffey, r; Elizabeth A. Greene, r; John J. McCarthy, Jr., r (4 seats)
- Dist. No. 19 George R. Rubin, r&d; Deborah L. Woods, r
- Dist. No. 20 Stephen W. Buco, r; Marilyn R. Campbell, r; Bert H. Ford, r; Beverly A. Gage, r&d; Bernard J. Raynowska, r; Donald L. Roulston, r; Arthur W. Smith, r; Donna P. Sytek, r&d; John J. Sytek, r (10 seats)
- Dist. No. 21 Peter G. Chulack, Sr., r; Patricia M. Skinner, r&d
- Dist. No. 22 Arthur P. Klemm, Jr., r
- Dist. No. 23 William P. Boucher, r; Karen K. Hutchinson, r; Betsy McKinney, r; Roy E. Melnick, r; Sherman A. Packard, r (6 seats)
- Dist. No. 24 Linda Griebisch, d; Laura C. Pantelakos, d
- Dist. No. 25 Martha F. Clark, d (2 seats)
- Dist. No. 26 Anthony Syracuse, d (2 seats)
- Dist. No. 27 Cynthia A. McGovern, d; Charles L. Vaughn, d
- Dist. No. 28 Carolyn E. Hynes, d; Cecelia D. Kane, d; Joseph A. MacDonald, d (4 seats)

**STRAFFORD COUNTY**

- Dist. No. 1 William H. Nehring, r (2 seats)
- Dist. No. 2 Henry P. Sullivan, d; William Tsiros, r
- Dist. No. 3 Elaine M. Hashem, d&r; George T. Musler, r
- Dist. No. 4 Patricia A. Hambrick, d; W. Kent Martling, r; Leo J. Spencer, d; Janet G. Wall, d; Katherine W. Wheeler, d (6 seats)
- Dist. No. 5 Peter M. Jankowski, d&r
- Dist. No. 6 Arthur B. Corte, r; Paula J. Kinney, r; Robert E. Marston, r; Ann M. Torr, r&d (5 seats)
- Dist. No. 7 Gary R. Gilmore, d; William K. Kincaid, d (4 seats)
- Dist. No. 8 Edward J. Flynn, d&r; Roland A. Frechette, d&r; Donald P. Pageotte, d; Francis C. Vincent, d
- Dist. No. 9 Donald R. Messier, d
- Dist. No. 10 Patricia H. Foss, r; John O'Brien, d; Janet R. Pelley, d; John B. Young, r (5 seats)
- Dist. No. 11 James E. Appleby, r&d; Clyde J. Douglass, r; Sandra B. Keans, r (5 seats)

**SULLIVAN COUNTY**

- Dist. No. 1 Peter H. Burling, d&r; Merle W. Schotanus, r&d
- Dist. No. 2 Fredrik Peyron, r; Beverly T. Rodeschin, r (2 seats)
- Dist. No. 3 Thomas A. Behrens, r&d
- Dist. No. 4 Carol M. Stamatakis, d
- Dist. No. 5 Irene C. Domini, r; Eric N. Lindblade, d
- Dist. No. 6 Richard H. Krueger, r; John A. Middleton, r
- Dist. No. 7 David C. Allison, d; Robert R. Walsh, d&r
- Dist. No. 8 (2 seats)
- Dist. No. 9 Robert H. Porter, r

With 346 members having answered the call of the roll, a quorum was declared present.

**REMARKS**

The Speaker addressed the House.

Good afternoon and welcome back to the House. I hope you all had a happy and relaxing holiday with your families and are ready to resume your work.

We are starting off today with a busy session. In addition to hearing the Governor's State of the State address, we will act on a consent calendar of 81 bills and a regular calendar of 19 bills. We plan to wrap up by 4:30 this afternoon. Any re-referred bills not acted on will be put off until tomorrow under special order.

I also hope that you will all attend the reception this afternoon at the Hampton Inn.

This legislative session will be a busy one. The number of House bills scheduled for consideration is actually slightly smaller than usual - but the issues involved are important and complex. Fortunately, your work during the Interim dealing with ethics, retirement, air pollution and other issues will make the session easier. I especially want to thank the members who worked so hard on those study committees.

One issue that we will not have to deal with is a major budget deficit. The Medicaid money has helped to resolve that problem, but that does not mean we will have a lot of money available for new projects or programs.

The Governor's office estimates that we will end the biennium with a maximum surplus of about \$1.5 million. Fiscal restraint is essential and your cooperation will be appreciated if we are to end with a balanced budget.

We also need to keep in mind that the Medicaid money will not be available in Fiscal Year '94. Whatever we can do now to plan for the next budget cycle will be time well spent. The Government Operations Task Force, for example, will be working with the Appropriations Committee in efforts to find ways to cut spending and make government more efficient.

In addition, please keep in mind that under the law we passed last year only three legislative days are available for action on the new ethics rules. Under RSA 14-B, the rules take effect automatically unless both houses object to all or portions of them within the three-day period.

There will be a full presentation of the Ethics Committee's rules on the floor tomorrow. If, after the briefing you have any objections to the ethics rules, please file them with the Clerk's office by Tuesday.

Again, thank you for your fine work during the interim and welcome back.

### RESOLUTION

Reps. Gross and Chambers offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet with the Senate in Joint Convention for the purpose of hearing the State of the State address by the Honorable Judd Gregg.

Adopted.

The House of Representatives offered the following:

### HOUSE RESOLUTION NO. 54

memorializing State Representative Warren L. Swope of Milton Mills

WHEREAS, we have learned with great sorrow of the death of our distinguished colleague, Warren L. Swope, who was in the midst of his fourth consecutive term as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, throughout his seven years of legislative service, Warren L. Swope sat as an esteemed member of the Standing Committee on Public Works, and at the County level sat for seven years on the Executive Committee of the Strafford County Delegation, and

WHEREAS, prior to beginning his service in the New Hampshire House of Representatives, Warren L. Swope had a distinguished thirty-year career as a Foreign Service Officer in the Diplomatic Corps of the United States Department of State, and

WHEREAS, having been born in Chicago Heights, Illinois, Warren L. Swope, during World War II, served his country with honor in the European theater as a First Lieutenant in the United States Army Air Corps, and after his discharge became an active member of the American Legion, and

WHEREAS, Warren L. Swope, in 1943, did receive his bachelors degree from Gettysburg College, now therefore be it.

RESOLVED, by the House of Representatives in Regular Session convened that Warren L. Swope be granted highest praise and recognition for his years of outstanding and loyal service to his country, and for his dedicated and exemplary legislative, county and community service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Adopted by a rising vote of silence.



The House of Representatives offered the following:

### **HOUSE RESOLUTION NO. 55**

memorializing State Representative Henry F. Whitcomb, Jr., of Littleton

WHEREAS, it is with great sorrow that we have learned of the death of our esteemed colleague, Henry F. Whitcomb, Jr., who was in the middle of his fifth consecutive term as a distinguished member of the New Hampshire House of Representatives, and

WHEREAS, Henry F. Whitcomb, Jr., during his legislative tenure of nine years, did earn the respect and affection of his fellow members and did sit with integrity on the Standing Committees on Regulated Revenues, Ways and Means, and State Institutions and Housing, having served as Vice Chairman and Chairman of the latter, and

WHEREAS, Henry F. Whitcomb, Jr., being a native New Hampshire Yankee, did live his entire life in the Granite State, residing for more than sixty years in Littleton, and

WHEREAS, Henry F. Whitcomb, Jr., faithfully did serve nine years as a member of the Grafton County Executive Committee, while also serving the community of Littleton as a member of the Budget Committee and as a Commissioner of the Water and Light Department, and

WHEREAS, Henry F. Whitcomb, Jr., during World War II, did serve his country with honor as a member of the United States Army Air Force, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened that Henry F. Whitcomb, Jr., be granted highest praise and recognition for his years of outstanding and loyal service to his country, and for his dedicated and exemplary legislative, county and community service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Adopted by a rising vote of silence.

### **COMMITTEE APPOINTMENTS**

#### **ECONOMIC DEVELOPMENT**

##### **REPUBLICANS**

Trelfa, Richard T., Ch.  
 Packard, Bonnie B., V. Ch.  
 Rodgers, G. Philip  
 Marsh Beaton  
 Peyron, Fredrik  
 Kleimm, Arthur P., Jr.  
 Teague, Bert  
 Tsiros, William  
 White, Paul R.  
 Beach, Mildred A.  
 Dowling, Patricia A.  
 Wheeler, Robert L.  
 Porter, Robert H.

##### **DEMOCRATS**

Cote, David E.  
 Vaughn, Charles L.  
 McCann, William H., Jr.  
 Burling, Peter Hoe  
 Burnham, Daniel M.  
 Hawkinson, Marie C.

Rep. Karen Carpenter was appointed to the Committee on Health, Human Services and Elderly Affairs.

Rep. George Musler was appointed Co-Chairman of the Environment and Agriculture Committee.

Rep. David Scanlan was appointed Vice Chairman of the Environment and Agriculture Committee.

### COMMITTEE CHANGES

Rep. John O'Brien off Executive Departments and Administration; on Education; on the Chaplain Committee.

Rep. Albert Caswell, Jr. off Education; on Regulated Revenues.

Rep. David C. Allison off Resources, Recreation and Development; on Commerce, Small Business and Consumer Affairs.

Rep. A. G. Dodge, Jr. on the Chaplain Committee.

Rep. Mary Bernard (resigned) off the Chaplain Committee.

Rep. Nanci Allard off the Chaplain Committee.

### SEAT ASSIGNMENTS

Rep. Robert Asselin was assigned to seat 1-6.

Rep. Frederick Mohr was assigned to seat 3-37.

Rep. Richard Barberia was assigned to seat 1-40.

Rep. Peter Stio was assigned to seat 1-5.

Rep. John O'Brien was assigned to seat 1-18.

Rep. Allen Wiggin was assigned to seat 5-9.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1000, 1050 through 1059 and 1100 through 1302 and 1304 through 1440 and 1442 through 1460 and 1462 through 1498, Constitutional Amendment Concurrent Resolutions numbered 20 through 28, House Concurrent Resolutions numbered 20 through 27, and House Resolutions numbered 50 through 52, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS, CACRs, HCRs and HRs

#### First, second reading and referral

**HB 1000**, providing for taking the sense of the legal voters of the state on the question of calling a constitutional convention. (Gross of Merrimack Dist. 16; M. Hill of Merrimack Dist. 14; Chambers of Grafton Dist. 12; Delahunty of Dist. 22 - To Constitutional and Statutory Revision)

**HB 1050-FN-L**, limiting outdoor advertising devices and increasing permit fees for maintaining outdoor advertising devices. (Gross of Merrimack Dist. 16 - To Resources, Recreation and Development)

**HB 1051**, relative to procedures for offers of judgment in the district and superior courts. (Gross of Merrimack Dist. 16 - To Judiciary)

**HB 1052**, relative to the appointment of the executive director of the fish and game department and allowing the governor to make more frequent appointments to the fish and game commission. (Gross of Merrimack Dist. 16 - To Executive Departments and Administration)

**HB 1053-A**, relative to state revenues and expenditures. (Gross of Merrimack Dist. 16 - To Appropriations)

**HB 1054-FN**, relative to the industrial development authority. (Gross of Merrimack Dist. 16; Guay of Coos Dist. 7 - To Economic Development)

**HB 1055-FN-A**, relative to the telephone property tax. (Gross of Merrimack Dist. 16 - To Ways and Means)

**HB 1056-FN-A**, relative to a business tax and making an appropriation therefor. (Gross of Merrimack Dist. 16 - To Ways and Means)

**HB 1057-FN-L**, increasing flat and prorated motor vehicle registration fees and relative to revenue sharing. (Gross of Merrimack Dist. 16 - To Transportation)

**HB 1058-FN**, relative to a furlough program for state employees. (Gross of Merrimack Dist. 16 - To Appropriations)

**HB 1059-FN**, relative to the payment schedule for the medicaid enhancement tax. (Gross of Merrimack Dist. 16 - To Ways and Means)

**HB 1100-FN-L**, establishing a housing assistance trust fund. (S. Green of Hillsborough Dist. 36 - To State Institutions and Housing)

**HB 1101-FN**, relative to certain liquor license fees. (Behrens of Sullivan Dist. 3; R. Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

**HB 1102-FN-L**, increasing fees for witnesses. (Pantelakos of Rockingham Dist. 24; Thayer of Rockingham Dist. 17 - To Judiciary)

**HB 1103-FN-L**, requiring any animal which has bitten a human being to be tested for rabies. (Roulston of Rockingham Dist. 20 - To Health, Human Services and Elderly Affairs)

**HB 1104-FN**, relative to capitalization of the affordable housing fund. (D. Sytek of Rockingham Dist. 20; W. King of Dist. 2 - To State Institutions and Housing)

**HB 1105**, relative to requiring disclosure of campaign contributions by candidates for local and school district elections. (T. Christie of Merrimack Dist. 9 - To Constitutional and Statutory Revision)

**HB 1106**, establishing a study committee to consider organization of a state housing and urban development program (HUD). (S. Green of Hillsborough Dist. 36 - To State Institutions and Housing)

**HB 1107-L**, requiring that tax collectors provide property owners with notices of arrearages for property taxes. (Golden of Belknap Dist. 7 - To Municipal and County Government)

**HB 1108**, authorizing valid living wills executed in other states to be recognized in New Hampshire. (Corte of Strafford Dist. 6 - To Judiciary)

**HB 1109**, relative to criminal threatening. (Daly of Carroll Dist. 3 - To Judiciary)

**HB 1110**, relative to the method of electing delegates to state party conventions. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

**HB 1111**, relative to liquor and beverage licensees delinquent in paying accounts and relative to advertising liquor and beverages. (Behrens of Sullivan Dist. 3 - To Regulated Revenues)

**HB 1112**, providing that penalty assessments not be counted in determining whether total fines and penalties exceed \$500. (C. Brown of Grafton Dist. 13 - To Judiciary)

**HB 1113**, relative to compatible and conflicting liquor and beverage licenses. (Behrens of Sullivan Dist. 3 - To Regulated Revenues)

**HB 1114**, adding and changing certain definitions in the liquor laws including "billboard," "common carrier," "happy hour," "public building," "racetrack," "private group," and "liquor and wine import warehouse." (Behrens of Sullivan Dist. 3 - To Regulated Revenues)

**HB 1115**, changing obsolete references within the liquor laws. (Behrens of Sullivan Dist. 3; R. Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

**HB 1116**, relative to certain liquor and beverage licenses. (Behrens of Sullivan Dist. 3; R. Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

**HB 1117**, relative to the minimum age requirements for liquor license applicants, relative to employing minors in licensed establishments, and relative to games and amusements on the premises of on-sale licensees. (Behrens of Sullivan Dist. 3; R. Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

**HB 1118**, relative to membership of the permanent committee for barrier-free design. (D. Sytek of Rockingham Dist. 20 - To State Institutions and Housing)

**HB 1119**, relative to the New Hampshire automated information system board. (S. Green of Hillsborough Dist. 36 - To State Institutions and Housing)

**HB 1120-FN**, relative to increasing the number of times a person may assist at certain bingo and lucky 7 games. (Fenton of Hillsborough Dist. 20 - To Regulated Revenues)

**HB 1121-FN**, authorizing contracting for the operation of the impaired pharmacist program and funding the program from annual license renewal fees. (D. Sytek of Rockingham Dist. 20 - To Executive Departments and Administration)

**HB 1122**, relative to standards for labeling cider. (M. Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

**HB 1123**, preventing attorney participation in small claims actions. (Klemarczyk of Rockingham Dist. 13; G. Katsakiores of Rockingham Dist. 7; Donovan of Hillsborough Dist. 26; A. Christie of Rockingham Dist. 17 - To Judiciary)

**HB 1124-L**, allowing a town to apply certain rental welfare assistance payments to certain amounts owed to a town for the assisted person's landlord's delinquent water, sewer, or tax payments. (Rodeschin of Sullivan Dist. 2; M. Hill of Merrimack Dist. 14; R. Wheeler of Hillsborough Dist. 6; Disnard of Dist. 8 - To Municipal and County Government)

**HB 1125-FN-L**, relative to an agency's violation of certain notice requirements to municipalities. (Senter of Rockingham Dist. 9 - To Executive Departments and Administration)

**HB 1126-FN**, allowing the public utilities commission to appoint a receiver or to take over the operations of any utility with annual revenues below \$2,000,000 which fails to provide adequate service. (Rodeschin of Sullivan Dist. 2 - To Science, Technology and Energy)

**HB 1127-FN-L**, abolishing the current use tax. (T. Christie of Merrimack Dist. 9 - To Environment and Agriculture)

**HB 1128**, classifying certain misdemeanors as either class A or class B. (Lown of Hillsborough Dist. 9; Burling of Sullivan Dist. 1; Gross of Merrimack Dist. 16; N. Nielsen of Grafton 8; Hollingworth of Dist. 23 - To Judiciary)

**HB 1129**, designating the insurance department as the regulatory body for approval of motor vehicle warranty agreements. (Krueger of Sullivan Dist. 6 - To Commerce, Small Business and Consumer Affairs)

**HB 1130**, relative to ejecting persons from racetracks whose presence is inconsistent with proper conduct of a race meet. (R. Kelley of Hillsborough Dist. 13; Gross of Merrimack Dist. 16 - To Regulated Revenues)

**HB 1131**, relative to liability for unauthorized disclosure of confidential telecopy wire communications. (M. Hill of Merrimack Dist. 14; Rodeschin of Sullivan Dist. 2; Fraser of Dist. 4 - To Science, Technology and Energy)



**HB 1132-L**, changing the definition of residence for property in industrial or commercial zones for property tax purposes. (J. Johnson of Merrimack Dist. 11 - To Municipal and County Government)

**HB 1133**, requiring a judge to give certain instructions to the jury in any criminal case or in a civil case whenever government is a party to the trial. (Warburton of Rockingham Dist. 6 - To Judiciary)

**HB 1134-FN**, establishing a special fund from the sale of timber harvested on fish and game department property for wildlife management purposes. (Drake of Rockingham Dist. 18; Douglass of Strafford Dist. 11; Kennison of Cheshire Dist. 7; A. Wigin of Carroll Dist. 4 - To Fish and Game)

**HB 1135**, relative to liquidation under the supervision of the bank commissioner. (B. Packard of Hillsborough Dist. 15; Krueger of Sullivan Dist. 6; Pressly of Dist. 12 - To Commerce, Small Business and Consumer Affairs)

**HB 1136**, relative to regulation of small loans. (B. Packard of Hillsborough Dist. 15; Krueger of Sullivan Dist. 6; Pressly of Dist. 12 - To Commerce, Small Business and Consumer Affairs)

**HB 1137**, relative to nondepository first mortgage bankers and brokers. (B. Packard of Hillsborough Dist. 15; Krueger of Sullivan Dist. 6; Pressly of Dist. 12 - To Commerce, Small Business and Consumer Affairs)

**HB 1138**, relative to the board of trust company incorporation's consideration of petitions for incorporation of savings banks. (B. Packard of Hillsborough Dist. 15; Krueger of Sullivan Dist. 6; Pressly of Dist. 12 - To Commerce, Small Business and Consumer Affairs)

**HB 1139**, relative to consumer inquiries regarding persons licensed to offer second mortgage home loans. (B. Packard of Hillsborough Dist. 15; Krueger of Sullivan Dist. 6; Pressly of Dist. 12 - To Commerce, Small Business and Consumer Affairs)

**HB 1140**, relative to exempting New Hampshire banks from acquisitions by out-of-state banks. (B. Packard of Hillsborough Dist. 15; Krueger of Sullivan Dist. 6; Pressly of Dist. 12 - To Commerce, Small Business and Consumer Affairs)

**HB 1141**, relative to retail installment sales of motor vehicles. (B. Packard of Hillsborough Dist. 15; Krueger of Sullivan Dist. 6; Pressly of Dist. 12 - To Commerce, Small Business and Consumer Affairs)

**HB 1142**, permitting the bank commissioner to delegate duties and responsibilities. (B. Packard of Hillsborough Dist. 15; Krueger of Sullivan Dist. 6; Pressly of Dist. 12 - To Commerce, Small Business and Consumer Affairs)

**HB 1143-FN-A**, relative to administrative fines, court fines for violations of weights and measures laws and continually appropriating a special account to the bureau of weights and measures. (M. Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

**HB 1144**, relative to the examination of school bus operators. (Hoelzel of Rockingham Dist. 6; P. Brown of Grafton Dist. 11 - To Transportation)

**HB 1145**, establishing a study committee to study the feasibility of making the Gunstock Ski Area a state ski area. (Salatiello of Belknap Dist. 3; Accornero of Belknap Dist. 10; Zaharchuk of Belknap Dist. 10 - To Resources, Recreation and Development)

**HB 1146-FN**, relative to notification prior to pesticide spraying. (White of Grafton Dist. 6; Shackett of Grafton 10 - To Environment and Agriculture)

**HB 1147**, creating a committee to study redrawing county boundaries. (DePecol of Cheshire Dist. 12 - To Municipal and County Government)



**HB 1148**, relative to technical corrections in certain tax laws. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

**HB 1149**, prohibiting any person employed on a salaried basis by a school administrative unit or by any school district from serving on any school board within the state. (Shibley of Belknap Dist. 6; R. Wheeler of Hillsborough Dist. 6 - To Education)

**HB 1150-FN-L**, relative to requiring peace officers to use belt-style handcuffs. (T. Christie of Merrimack Dist. 9 - To Public Protection and Veterans Affairs)

**HB 1151**, transferring the jurisdiction over the Dolloff building at New Hampshire hospital from the division of mental health and developmental services to the department of cultural affairs. (W. Boucher of Rockingham Dist. 23 - To State Institutions and Housing)

**HB 1152**, authorizing the office of child support enforcement services, a dependent child or his parent or guardian to receive directly from a health insurer a certificate of insurance covering any dependent child. (Wallner of Merrimack Dist. 21; I. Pratt of Cheshire Dist. 3; Baldizar of Hillsborough Dist. 22 - To Children, Youth and Juvenile Justice)

**HB 1153-FN-A**, authorizing the division of human services to assess an administrative fine on employers for failing to comply with an assignment order and continually appropriating such fines to the division. (Wallner of Merrimack Dist. 21; I. Pratt of Cheshire Dist. 3; Baldizar of Hillsborough Dist. 22 - To Children, Youth and Juvenile Justice)

**HB 1154**, relative to an exemption for the sale of hypodermic syringes for school use. (Spencer of Strafford Dist. 4; Caswell of Rockingham Dist. 12; Corte of Strafford Dist. 6; W. King of Dist. 2 - To Health, Human Services and Elderly Affairs)

**HB 1155-L**, relative to school attendance laws and homeless children. (J. White of Hillsborough Dist. 45; P. Brown of Grafton Dist. 11; Champagne of Cheshire Dist. 17; Yeaton of Merrimack Dist. 7; J. King of Dist. 18 - To Education)

**HB 1156**, changing the annual rate of interest on judgments and business transactions. (LaMott of Grafton Dist. 5; Marsh of Coos Dist. 1; Schotanus of Sullivan Dist. 1; Nelson of Dist. 13; Hough of Dist. 5 - To Commerce, Small Business and Consumer Affairs)

**HB 1157**, requiring that the information contained in a deed be based on the most recently available information, as contained in the tax map. (Feuer of Cheshire Dist. 4 - To Judiciary)

**HB 1158**, repealing notice requirements for encroachment waivers. (Roulston of Rockingham Dist. 20 - To Resources, Recreation and Development)

**HB 1159-FN**, relative to when municipal sewage disposal systems are considered public utilities. (Rodeschin of Sullivan Dist. 2 - To Science, Technology and Energy)

**HB 1160-FN-A**, allowing wine retailers to sell liquor. (T. Christie of Merrimack Dist. 9 - To Regulated Revenues)

**HB 1161**, relative to the composition of the wetlands board. (Roulston of Rockingham Dist. 20 - To Executive Departments and Administration)

**HB 1162**, permitting advanced emergency medical care providers to possess or administer prescription drugs or controlled substances. (Senter of Rockingham Dist. 9 - To Health, Human Services and Elderly Affairs)

**HB 1163**, granting a public employee the right to require that a nonpublic session under the right-to-know law be open to the public. (Burling of Sullivan Dist. 1; Hollingworth of Dist. 23 - To Judiciary)

**HB 1164**, relative to seaplanes operating on bodies of water in New Hampshire. (Dwyer of Hillsborough Dist. 41; Crotty of Hillsborough Dist. 41; Gosselin of Hillsborough Dist. 43 - To Transportation)

**HB 1165-FN**, requiring state agencies to reuse waste motor oil. (D. Wheeler of Hillsborough Dist. 10 - To Environment and Agriculture)

**HB 1166**, changing the definition of "commercial boat" for the purposes of boat registration and limiting rafting of boats. (Malcolm of Rockingham Dist. 17; A. Christie of Rockingham Dist. 17 - To Transportation)

**HB 1167**, relative to the police commission in the town of Conway. (Allard of Carroll Dist. 2 - To Municipal and County Government)

**HB 1168-FN**, relative to acquiring the Gumpus Pond dam. (Fenton of Hillsborough Dist. 20; Fields of Hillsborough Dist. 13 - To Resources, Recreation and Development)

**HB 1169-FN**, relative to free boat registration and boat trailer registration for members of the marine patrol. (Burling of Sullivan Dist. 1 - To Transportation)

**HB 1170-L**, relative to the use of revenue derived from parking meters for public transportation systems. (Soldati of Merrimack Dist. 19; Nordgren of Grafton Dist. 12 - To Municipal and County Government)

**HB 1171**, establishing a statute of limitations for filing motions relative to alimony payments. (Doucette of Cheshire Dist. 17 - To Judiciary)

**HB 1172**, increasing the amount of the homestead right. (Melnick of Rockingham Dist. 23 - To Municipal and County Government)

**HB 1173**, allowing a beneficial interest owner of a trust owning real estate to qualify for property tax exemptions and credits. (Benton of Rockingham Dist. 5 - To Municipal and County Government)

**HB 1174**, to allow a person to serve only on the conservation commission, the planning board, or the zoning board of adjustment at the same time. (Felch of Rockingham Dist. 14; Fenton of Hillsborough Dist. 20 - To Municipal and County Government)

**HB 1175**, creating a committee to study medical liability insurance in New Hampshire. (Asplund of Merrimack Dist. 10; Whittemore of Merrimack Dist. 10; K. Wheeler of Strafford Dist. 4; Currier of Dist. 7 - To Commerce, Small Business and Consumer Affairs)

**HB 1176**, relative to a state referendum question on increasing the size of the senate and decreasing the size of the house. (Teague of Merrimack Dist. 18; Guest of Grafton Dist. 12; Caswell of Rockingham Dist. 12; Weeks of Merrimack Dist. 21 - To Constitutional and Statutory Revision)

**HB 1177**, authorizing towns and cities to abate property taxes on property used for educational purposes. (Warburton of Rockingham Dist. 6 - To Municipal and County Government)

**HB 1178**, extending the appropriation for the Manchester district court facility. (O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5; Podles of Dist. 16 - To Public Works)

**HB 1179**, relative to service of civil process by private citizens. (Fenton of Hillsborough Dist. 20; Robinson of Hillsborough Dist. 12; Lown of Hillsborough Dist. 9 - To Judiciary)

**HB 1180**, banning the use of headphones by motorists, bicyclists, and moped operators. (Calawa of Hillsborough Dist. 14; L'Heureux of Hillsborough Dist. 13; Apple of Merrimack Dist. 9 - To Transportation)

**HB 1181-L**, relative to the current use value of land which is posted. (Tetu of Sullivan Dist. 8 - To Environment and Agriculture)

**HB 1182-FN**, authorizing the division of human services to establish a system to recoup child support payments made in error, clarifying confidentiality of certain information and limiting the division's authority to enforce support orders. (Wallner of Merrimack Dist. 21; I. Pratt of Cheshire Dist. 3 - To Children, Youth and Juvenile Justice)

**HB 1183-FN**, relative to the importation, propagation and possession of aquatic and wildlife species. (Drake of Rockingham Dist. 18; Douglass of Strafford Dist. 11; Kennison of Cheshire Dist. 7; A. Wiggin of Carroll Dist. 4 - To Fish and Game)

**HB 1184-FN**, relative to special number plates for certain veterans. (Rubin of Rockingham Dist. 19 - To Transportation)

**HB 1185-FN**, authorizing the department of transportation to conduct surveys over certain roads, grant road toll refunds to certain nonprofit corporations, prescribe special rules for student driver training, and exempt certain transportation operations from certain motor carrier statutes. (Weeks of Merrimack Dist. 21; Marsh of Coos Dist. 1; LaMott of Grafton Dist. 5; Schotanus of Sullivan Dist. 1; E. Dodge of Hillsborough Dist. 13; Oleson of Dist. 1 - To Transportation)

**HB 1186-FN**, authorizing the department of fish and game to purchase certain dams in the town of Canterbury. (Schanda of Rockingham Dist. 12; Theriault of Coos Dist. 8 - To Fish and Game)

**HB 1187**, making it first degree assault to knowingly or recklessly cause serious bodily injury to a person under 13 years of age. (Lozeau of Hillsborough Dist. 25; J. Johnson of Merrimack Dist. 11; Nordgren of Grafton Dist. 12 - To Judiciary)

**HB 1188**, approving the operation of a water ski course on Squam Lake by the Squam Lake Ski Club. (Markley of Grafton Dist. 6 - To Resources, Recreation and Development)

**HB 1189**, relative to discrimination in the real estate appraiser industry and relative to appraisal education courses. (Emerton of Hillsborough Dist. 6 - To Executive Departments and Administration)

**HB 1190**, creating a committee to study ways to clarify the relationship between the legislative bodies and governing bodies in towns, school districts and village districts operating under the town meeting form of government with respect to budgetary matters. (Salatiello of Belknap Dist. 3; Trelfa of Grafton Dist. 2 - To Municipal and County Government)

**HB 1191**, prohibiting insurance companies from cancelling a homeowner's policy solely on the basis that a claim has been filed. (Larochelle of Hillsborough Dist. 38; Letourneau of Merrimack Dist. 8; Laughlin of Hillsborough Dist. 38 - To Commerce, Small Business and Consumer Affairs)

**HB 1192**, relative to remedies under the whistleblowers' protection act. (Baroody of Hillsborough Dist. 39; Laughlin of Hillsborough Dist. 38; Melnick of Rockingham Dist. 23; J. Flanders of Rockingham 10 - To Labor, Industrial and Rehabilitative Services)

**HB 1193-L**, exempting disabled and elderly property taxpayers from paying the school tax portion of property taxes. (Millard of Merrimack Dist. 4 - To Municipal and County Government)

**HB 1194**, establishing a fund for New Hampshire milk producers. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

**HB 1195**, requiring any continuing care facility operating under an exempt status to comply with requirements established for continuing care facilities if there is a substantial change in such facility's status. (Parks of Strafford Dist. 6 - To Health, Human Services and Elderly Affairs)

**HB 1196**, clarifying the amount to be paid from the firemen's relief fund in the event of a claim. (E. Dodge of Hillsborough Dist. 13; R. Kelley of Hillsborough Dist. 13 - To Executive Departments and Administration)

**HB 1197-FN**, requiring the Pease development authority to submit to the state's competitive bidding requirements. (Pepino of Hillsborough Dist. 37 - To Executive Departments and Administration)

**HB 1198**, requiring every public utility which is requesting a change in its rate structure to notify each affected municipality of the proposed change. (Calawa of Hillsborough Dist. 14; Colantuono of Dist. 14 - To Science, Technology and Energy)

**HB 1199-FN**, regulating charges for towing and storage services for vehicles. (J. Johnson of Merrimack Dist. 11 - To Transportation)

**HB 1200-FN**, relative to blood alcohol tests and enrollment in substance abuse programs in domestic violence cases. (Senter of Rockingham Dist. 9 - To Judiciary)

**HB 1201-FN**, decreasing the license fees for domestic wine manufacturers and wine vendors. (Palazzo of Rockingham Dist. 16; Rosencrantz of Rockingham Dist. 15 - To Regulated Revenues)

**HB 1202**, permitting municipalities that have biennial municipal elections to submit charter changes for approval at biennial state elections. (Gross of Merrimack Dist. 16; Hill of Merrimack Dist. 14; Hager of Merrimack Dist. 21 - To Constitutional and Statutory Revision)

**HB 1203**, prohibiting the disclosure of local welfare records to the public. (Nardi of Hillsborough Dist. 35 - To Health, Human Services and Elderly Affairs)

**HB 1204**, requiring the director of motor vehicles to notify any seriously injured person when the director conducts a license revocation or suspension hearing regarding a motor vehicle accident involving a fatality or serious injury. (Soldati of Merrimack Dist. 19; Haynes of Rockingham Dist. 9; J. Johnson of Merrimack Dist. 11 - To Transportation)

**HB 1205-FN**, prohibiting the use of highway fund moneys for the purpose of purchasing property to compensate for wetlands taken for highway construction. (Whittemore of Merrimack Dist. 10 - To Public Works)

**HB 1206**, relative to the liability of agricultural operations. (Emerton of Hillsborough Dist. 6 - To Judiciary)

**HB 1207**, exempting hospice programs from certificate of need review. (Fair of Merrimack Dist. 7 - To Health, Human Services and Elderly Affairs)

**HB 1208**, requiring approval to increase daily load on a sewage disposal system and permitting any single family dwelling served by an approved holding tank to change from seasonal to full-time use. (Roulston of Rockingham Dist. 20 - To Resources, Recreation and Development)

**HB 1209**, establishing a committee to study the board of tax and land appeals hearing process. (Emerton of Hillsborough Dist. 6; Kurk of Hillsborough Dist. 3; Klemarczyk of Rockingham Dist. 13; G. Katsakiores of Rockingham Dist. 7; Podles of Dist. 16; J. King of Dist. 18 - To Municipal and County Government)

**HB 1210**, naming the Karner Blue butterfly the state butterfly. (Soldati of Merrimack Dist. 19; S. Cole of Cheshire Dist. 10; McLane of Dist. 15 - To Environment and Agriculture)



**HB 1211**, permitting public employees to file an unfair labor practice complaint after a certain time without exhausting administrative remedies. (Melnick of Rockingham Dist. 23; Messier of Strafford Dist. 9; Laughlin of Hillsborough Dist. 38 - To Labor, Industrial and Rehabilitative Services)

**HB 1212**, reducing the number of public employees required to certify a bargaining unit. (Melnick of Rockingham Dist. 23; Messier of Strafford Dist. 9; Baroody of Hillsborough Dist. 39 - To Labor, Industrial and Rehabilitative Services)

**HB 1213**, clarifying that notice of claim of paternity be filed prior to a mother's voluntarily relinquishing her rights pursuant to an adoption. (Wallner of Merrimack Dist. 21 - To Children, Youth and Juvenile Justice)

**HB 1214**, concerning the procedure for enforcement of certain state environmental laws by individuals. (Bradley of Carroll Dist. 6 - To Resources, Recreation and Development)

**HB 1215**, repealing requirements for reporting income by certain county and municipal court officers. (Lown of Hillsborough Dist. 9; Burling of Sullivan Dist. 1 - To Municipal and County Government)

**HB 1216**, allowing certain funds to be transferred to the new women's dormitory account at the New Hampshire technical institute. (LaMott of Grafton Dist. 5 - To Executive Departments and Administration)

**HB 1217-L**, requiring a peace officer to give written notice of certain charges to the county attorney. (Lozeau of Hillsborough Dist. 25 - To Judiciary)

**HB 1218-FN-A**, authorizing the North Conway water precinct to hire a consultant to study the sewerage situation and making an appropriation therefor. (Allard of Carroll Dist. 2 - To Appropriations)

**HB 1219-FN**, requiring that claims paid on behalf of a medicaid assistance recipient be paid directly to the provider or the medicaid program and relative to recovery of assistance under the medicaid program. (Fair of Merrimack Dist. 7; Senter of Rockingham Dist. 9 - To Health, Human Services and Elderly Affairs)

**HB 1220-FN-L**, changing the method for calculating stumpage values for purposes of assessing the yield tax on timber. (Dickinson of Carroll Dist. 2; Schotanus of Sullivan Dist. 1; A. Wiggin of Carroll Dist. 4; Oleson of Dist. 1 - To Resources, Recreation and Development)

**HB 1221-FN**, transferring all recycling program responsibilities of the department of environmental services to the office of state planning. (Millard of Merrimack Dist. 4 - To Executive Departments and Administration)

**HB 1222-FN-L**, establishing an out-of-district tuition program for pupils in school districts not maintaining their own high schools. (Burling of Sullivan Dist. 1 - To Education)

**HB 1223-FN**, granting the division of parks and recreation immunity from catastrophic accidents. (W. Boucher of Rockingham Dist. 23 - To Judiciary)

**HB 1224-FN-L**, relative to the fees charged for copies of vital records. (McDowell of Hillsborough Dist. 29; Klemarczyk of Rockingham Dist. 13; A. Christie of Rockingham Dist. 17; Malcolm of Rockingham Dist. 17; Hoar of Rockingham Dist. 6 - To Municipal and County Government)

**HB 1225-FN-L**, to exempt all political subdivisions of the state from the payment of certain fees imposed by the department of environmental services. (Grodin of Cheshire Dist. 6; Peyron of Sullivan Dist. 2; Weyler of Rockingham Dist. 10; Barnes of Rockingham Dist. 6; Trombly of Merrimack Dist. 4; D. Young of Cheshire 1 - To Executive Departments and Administration)



**HB 1226-FN**, to protect the department of transportation against liability in the construction and maintenance of highways and highway bridges. (Marsh of Coos Dist. 1; Currier of Dist. 7; Hough of Dist. 5; Oleson of Dist. 1 - To Public Works)

**HB 1227-A**, decreasing the bonding authorized relative to the Manchester access ramp project. (Marsh of Coos Dist. 1; Nelson of Dist. 13; Hough of Dist. 5 - To Public Works)

**HB 1228-FN-L**, exempting certain single-family residential property from connecting to a municipal sewer line. (Roulston of Rockingham Dist. 20 - To Resources, Recreation and Development)

**HB 1229-FN**, redefining "public property" to include property owned by certain tax-supported entities and permitting warrantless searches for controlled substances on such public property. (Roulston of Rockingham Dist. 20 - To Judiciary)

**HB 1230-L**, prohibiting municipalities from enacting and enforcing local sanitary waste disposal regulations which are more stringent than state regulations. (Roulston of Rockingham Dist. 20 - To Environment and Agriculture)

**HB 1231**, regulating the transportation, utilization and disposal of septage and sludge through the administration of a permit system that is no more stringent than federal law. (Peyron of Sullivan Dist. 2; Weyler of Rockingham Dist. 10; Trelfa of Grafton Dist. 2 - To Resources, Recreation and Development)

**HB 1232-FN**, establishing service organization anniversary motor vehicle plates. (Emerton of Hillsborough Dist. 6 - To Transportation)

**HB 1233-FN-L**, requiring judges to issue a bench warrant for defaults on certain fines and establishing a \$40 sheriff's fee for service of such warrant. (Jeffrey Brown of Rockingham Dist. 14 - To Judiciary)

**HB 1234-FN**, establishing a boating endorsement on New Hampshire drivers' licenses, or issuing a special boating license to applicants who do not hold a driver's license. (D. Hall of Merrimack Dist. 7; Maviglio of Belknap Dist. 1 - To Transportation)

**HB 1235**, establishing a task force to evaluate the metric system in the manufacture of products. (Ferlan of Hillsborough Dist. 24; Mercer of Hillsborough Dist. 23; Welch of Rockingham Dist. 10; B. McCann of Hillsborough Dist. 31; Shaheen of Dist. 21 - To Science, Technology and Energy)

**HB 1236-FN**, requiring equal medical, vocational and educational opportunities for female and male inmates and requiring female inmates to be incarcerated within New Hampshire. (Hambrick of Strafford Dist. 4; L. Apple of Merrimack Dist. 9; Nielsen of Grafton Dist. 8; J. Wall of Strafford Dist. 4; L. Johnson of Hillsborough Dist. 37 - To State Institutions and Housing)

**HB 1237**, revising statutory references to the New Hampshire Charitable Fund. (Gross of Merrimack Dist. 16; Podles of Dist. 16 - To Constitutional and Statutory Revision)

**HB 1238-FN**, authorizing the reconstruction of the Route I-89 exits 18 and 20 interchanges in Lebanon. (C. Brown of Grafton Dist. 13; Adams of Grafton Dist. 13; Lougee of Grafton Dist. 13; Bean of Grafton Dist. 13; Wadsworth of Grafton Dist. 13; Hough of Dist. 5 - To Public Works)

**HB 1239-FN-L**, relative to dog group license fees. (K. Wheeler of Strafford Dist. 4; Janas of Hillsborough Dist. 39; Cohen of Dist. 24 - To Municipal and County Government)

**HB 1240**, establishing a committee to study criteria and propose legislation concerning the secession of a portion of a municipality. (Barnes of Rockingham Dist. 6;

Peyron of Sullivan Dist. 2; Weyler of Rockingham Dist. 10; P. Cote of Rockingham Dist. 11; Trelfa of Grafton Dist. 2 - To Municipal and County Government)

**HB 1241-FN-L**, relative to registration fees for kittens. (K. Wheeler of Strafford Dist. 4; Janas of Hillsborough Dist. 39; Cohen of Dist. 24 - To Municipal and County Government)

**HB 1242**, establishing a house study committee on certain current use issues. (Scanlan of Grafton Dist. 11; Hanselman of Hillsborough Dist. 17; B. Hall of Hillsborough Dist. 16; L. Pratt of Coos Dist. 6; Musler of Strafford Dist. 3 - To Environment and Agriculture)

**HB 1243**, revising the Patients' Bill of Rights. (R. Foster of Carroll Dist. 4; DiPietro of Rockingham Dist. 13; Podles of Dist. 16 - To Health, Human Services and Elderly Affairs)

**HB 1244**, relative to the use of pressure treated wood in public water. (Maviglio of Belknap Dist. 1; Bradley of Carroll Dist. 6 - To Resources, Recreation and Development)

**HB 1245-FN**, implementing the model landscape care act in New Hampshire relative to the application of landscape care products. (Roulston of Rockingham Dist. 20 - To Environment and Agriculture)

**HB 1246-FN**, establishing treatment programs for substance-abusing women and their children. (Bell of Rockingham Dist. 26; McIlwaine of Grafton Dist. 3; L. Johnson of Hillsborough Dist. 37; Julie Brown of Strafford Dist. 11; Gilmore of Strafford Dist. 7; McLane of Dist. 15 - To Health, Human Services and Elderly Affairs)

**HB 1247-FN**, abolishing the office of commissioner of environmental services. (S. Cole of Cheshire Dist. 10; Whittemore of Merrimack Dist. 10 - To Executive Departments and Administration)

**HB 1248**, relative to hunting in the vicinity of permanently occupied buildings. (Keith of Rockingham Dist. 7 - To Fish and Game)

**HB 1249-FN**, establishing a voluntary certification program for health care providers and mandating the exclusion of certain health care providers who test positive for AIDS. (Kurk of Hillsborough Dist. 3 - To Health, Human Services and Elderly Affairs)

**HB 1250-FN-L**, increasing the fee for the disposal of solid waste. (Pelley of Strafford Dist. 10; Keans of Strafford Dist. 11; Julie Brown of Strafford Dist. 11; Bickford of Strafford Dist. 10 - To Environment and Agriculture)

**HB 1251**, relative to the observance of Memorial Day by school districts. (Gilmore of Strafford Dist. 7; Keans of Strafford Dist. 11; Robinson of Hillsborough Dist. 12; Soucy of Hillsborough Dist. 39; Holden of Hillsborough Dist. 9; Shaheen of Dist. 21 - To Education)

**HB 1252-FN**, creating exceptions from and reciprocity for state water laboratory certification and clarifying the use of fees for certifying state water laboratories. (Parks of Strafford Dist. 6 - To Resources, Recreation and Development)

**HB 1253**, requiring the bank commissioner to report to the legislature at public hearings twice per year. (Braiterman of Merrimack Dist. 3; Pressly of Dist. 12 - To Legislative Administration)

**HB 1254**, removing certain benefits from the calculation which determines the amount of wages a person is receiving for the purposes of unemployment compensation. (Maviglio of Belknap Dist. 1 - To Labor, Industrial and Rehabilitative Services)

**HB 1255-FN**, relative to the number of big bingo games charitable organizations may conduct, increasing the one game date prize total value from \$3,500 to \$14,000,

and decreasing the bingo tax. (Rosencrantz of Rockingham Dist. 15 - To Regulated Revenues)

**HB 1256-FN-A**, requiring the department of transportation to study the United States Route 3 and New Hampshire Route 11 transportation corridor and making an appropriation therefor. (J. Chandler of Merrimack Dist. 1; J. Johnson of Merrimack Dist. 11; Whittemore of Merrimack Dist. 10; Turner of Belknap Dist. 11; Asplund of Merrimack Dist. 10; Fraser of Dist. 4 - To Public Works)

**HB 1257**, making consumption of alcoholic beverages by persons under 21 a violation. (Daly of Carroll Dist. 3 - To Judiciary)

**HB 1258**, requiring the ombudsman within the department of health and human services to contact the person or business investigated after completion of such investigation. (Dow of Grafton Dist. 8; Elliott of Hillsborough Dist. 2 - To Health, Human Services and Elderly Affairs)

**HB 1259-FN**, requiring certain data to be submitted to the general court from the department of education. (Jacobson of Merrimack Dist. 2; Hollingworth of Dist. 23 - To Education)

**HB 1260**, allowing the maintenance of man-made drainage pools for sanitary purposes. (Robert Jean of Carroll Dist. 5 - To Resources, Recreation and Development)

**HB 1261-FN-A**, requiring the department of transportation to conduct a study relative to the construction of certain portions of U.S. Route 3 and making an appropriation therefor. (L. Boucher of Merrimack Dist. 9; Apple of Merrimack Dist. 9; Sen. Podles of Dist. 16 - To Public Works)

**HB 1262**, requiring financial institutions which are responsible for paying property tax bills from escrow accounts to pay a property tax bill within 10 days of its receipt and to pay any fees, penalties or interest charged on overdue bills. (Baroody of Hillsborough Dist. 39; J. King of Dist. 18 - To Commerce, Small Business and Consumer Affairs)

**HB 1263**, requiring that a disclosure statement designed by the bank commissioner be attached to ALPS student loan promissory notes. (A. Cooke of Rockingham Dist. 29; A. Smith of Rockingham Dist. 20; Domini of Sullivan Dist. 5; Delahunty of Dist. 22 - To Commerce, Small Business and Consumer Affairs)

**HB 1264-FN**, limiting the season for bear hunting and baiting. (Pantelakos of Rockingham Dist. 24 - To Fish and Game)

**HB 1265-FN**, regulating small motor mineral dredging and panning. (Felch of Rockingham Dist. 14; Jeffrey Brown of Rockingham Dist. 14 - To Resources, Recreation and Development)

**HB 1266-FN**, relative to the wetlands board directing minor impact applications to board staff and major impact applications and hearings appeals to the board. (Roulston of Rockingham Dist. 20 - To Resources, Recreation and Development)

**HB 1267-FN**, requiring the department of environmental services to submit an accounting on moneys received from the federal government for the Tolend Road landfill in Dover, N.H. and exempting municipalities from contributing moneys for cleanup costs. (Gilmore of Strafford Dist. 7; W. McCann of Strafford Dist. 7; Shannan of Dist. 21 - To Executive Departments and Administration)

**HB 1268**, relative to inspection and permit fees set by local legislative bodies. (Barnes of Rockingham Dist. 6 - To Municipal and County Government)

**HB 1269-FN**, separating the AFDC standard of need from the AFDC payment standard. (Julie Brown of Strafford Dist. 11; McLane of Dist. 15 - To Health, Human Services and Elderly Affairs)

**HB 1270**, prohibiting a person from using another person's registered trade name. (Dow of Grafton Dist. 8; Elliott of Hillsborough Dist. 2 - To Commerce, Small Business and Consumer Affairs)

**HB 1271**, allowing a full service restaurant to use a dining room as a lounge on an overflow basis in excess of the lounge area capacity of the restaurant, if the restaurant has annual food sales in excess of \$100,000. (Pantelakos of Rockingham Dist. 24 - To Regulated Revenues)

**HB 1272**, establishing a committee to study construction-related traffic control. (Robinson of Hillsborough Dist. 12; W. Desrosiers of Hillsborough Dist. 43 - To Public Works)

**HB 1273**, relative to replacement and incidental costs of homeowner policy holders as a result of total loss due to fire. (Goulet of Hillsborough Dist. 11 - To Commerce, Small Business and Consumer Affairs)

**HB 1274**, relative to filing a statement of ownership of real property which has been transferred through inheritance or devise with the registry of deeds. (Golden of Belknap Dist. 7 - To Judiciary)

**HB 1275**, relative to death with dignity for certain persons suffering terminal illness. (Corte of Strafford Dist. 6; Copenhaver of Grafton Dist. 12; Guest of Grafton Dist. 12; Teague of Merrimack Dist. 18; P. Brown of Grafton Dist. 11; Oleson of Dist. 1 - To Judiciary)

**HB 1276-FN**, relative to hearings on the state budget by legislative policy committees. (S. Packard of Rockingham Dist. 23; Malcolm of Rockingham Dist. 17; Barroody of Hillsborough Dist. 39; Laughlin of Hillsborough Dist. 38; J. King of Dist. 18 - To Legislative Administration)

**HB 1277-FN-L**, requiring municipalities to adopt the BOCA National Building Code when they adopt a local building code. (Salatiello of Belknap Dist. 3 - To Municipal and County Government)

**HB 1278-FN-L**, permitting towns to make bylaws for refuse disposal in specifically-designated bags and altering district court procedure for levying fines against bylaws violators. (Bradley of Carroll Dist. 6 - To Environment and Agriculture)

**HB 1279-FN**, requiring the installation by the state of traffic signal lights at the intersection of route 4 and Oak Street and at the Weeks traffic circle in Dover, New Hampshire. (Jankowski of Strafford Dist. 5 - To Public Works)

**HB 1280-FN**, relative to prescription copayments by New Hampshire veterans with service-connected disabilities. (DePecol of Cheshire Dist. 12; D. Cote of Hillsborough Dist. 25 - To Public Protection and Veterans Affairs)

**HB 1281-FN-L**, implementing the concerns of Title IX relative to discrimination in athletics. (Hurst of Rockingham Dist. 17; A. Christie of Rockingham Dist. 17; T. Christie of Merrimack Dist. 9; Fields of Hillsborough Dist. 13; W. King of Dist. 2; Cohen of Dist. 24 - To Education)

**HB 1282-FN**, relative to the transfer of registration between owned and leased vehicles. (Emerton of Hillsborough Dist. 6; G. Katsakiores of Rockingham Dist. 7; L'Heureux of Hillsborough Dist. 13 - To Transportation)

**HB 1283-FN**, authorizing the human rights commission to award compensatory damages and levy administrative fines. (Lown of Hillsborough Dist. 9; Pignatelli of Hillsborough Dist. 31; J. Sytek of Rockingham Dist. 20; Hollingworth of Dist. 23; Colantuono of Dist. 14; Podles of Dist. 16 - To Judiciary)



**HB 1284-FN**, creating the position of medical director in the department of corrections. (Hambrick of Strafford Dist. 4 - To Executive Departments and Administration)

**HB 1285-FN**, requiring the director of economic development to obtain information as is reasonably possible from employers who either relocate out-of-state or permanently downsize. (Arnesen of Grafton Dist. 7 - To Economic Development)

**HB 1286-FN**, allowing antique trucks or tractors to be registered at a prorated rate. (Feuer of Cheshire Dist. 4 - To Transportation)

**HB 1287-L**, enabling certain municipalities to issue tax lien redemption notes. (A. Torr of Strafford Dist. 6; Shaheen of Dist. 21 - To Municipal and County Government)

**HB 1288**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services. (Bradley of Carroll Dist. 6 - To Children, Youth and Juvenile Justice)

**HB 1289**, requiring any watercraft towing an object to display a warning flag. (Shackett of Grafton Dist. 10 - To Transportation)

**HB 1290**, requiring operators of commercial vessels or commercial outboard motors to be certified only when engaged in a commercial activity. (Markley of Grafton Dist. 6 - To Transportation)

**HB 1291-L**, granting municipalities an option for more frequent billing and collection of property taxes. (Dunn of Merrimack Dist. 21 - To Municipal and County Government)

**HB 1292**, limiting the civil liability of persons engaged in equine activities. (Asplund of Merrimack Dist. 10 - To Judiciary)

**HB 1293**, waiving a person's fifth amendment rights in certain divorce actions where adultery is alleged. (Harland of Sullivan Dist. 8 - To Judiciary)

**HB 1294**, relative to a small employer health access model act. (Fair of Merrimack Dist. 7; B. Packard of Hillsborough Dist. 15; Braiterman of Merrimack Dist. 3; Lindblade of Sullivan Dist. 5; Tsiros of Strafford Dist. 2 - To Commerce, Small Business and Consumer Affairs)

**HB 1295**, prohibiting discrimination in insurance policies against elected or appointed officials. (Fair of Merrimack Dist. 7 - To Commerce, Small Business and Consumer Affairs)

**HB 1296**, permitting on-sale licensees to allow cribbage card games on their premises. (Pantelakos of Rockingham Dist. 24 - To Regulated Revenues)

**HB 1297**, prohibiting the sale or use of personal information by any person or business without the consent of the individual concerned. (Kurk of Hillsborough Dist. 3; Record of Hillsborough Dist. 23 - To Judiciary)

**HB 1298**, allowing any public utility, municipal fire or police department, or independent emergency service, to record incoming and outgoing central dispatch and emergency telephone calls. (A. Bourque of Hillsborough Dist. 35 - To Science, Technology and Energy)

**HB 1299**, providing that beverage wholesale distributor's and beverage manufacturer's fees shall not be reduced if beverage container mandatory deposit legislation is enacted. (B. Hall of Hillsborough Dist. 16 - To Regulated Revenues)

**HB 1300-FN**, permitting the sale of red deer venison. (B. Hall of Hillsborough Dist. 16 - To Fish and Game)



**HB 1301-FN**, setting priorities for the disposal of certain components of the solid waste stream. (A. Merrill of Strafford Dist. 4; Bradley of Carroll Dist. 6; Burnham of Cheshire Dist. 5 - To Environment and Agriculture)

**HB 1302**, requiring banks to apply consistent, equitable, good faith standards in their lending practices. (B. Packard of Hillsborough Dist. 15; Fair of Merrimack Dist. 7; Krueger of Sullivan Dist. 6 - To Commerce, Small Business and Consumer Affairs)

**HB 1304**, categorizing motor vehicle child passenger restraints by age and weight. (Copenhaver of Grafton Dist. 12 - To Transportation)

**HB 1305**, permitting the sale of pistol canes. (McRae of Hillsborough Dist. 6 - To Public Protection and Veterans Affairs)

**HB 1306-L**, authorizing additional license fees for dogs which are not spayed or neutered. (Janas of Hillsborough Dist. 39; K. Wheeler of Strafford Dist. 4; Durham of Hillsborough Dist. 18 - To Municipal and County Government)

**HB 1307-FN**, relative to limiting the requirement for a fish and game propagation license to land of a certain acreage. (Scanlan of Grafton Dist. 11 - To Fish and Game)

**HB 1308**, relative to technical changes to the municipal charter laws. (Perry of Cheshire Dist. 10 - To Municipal and County Government)

**HB 1309**, limiting the liability of landowners who allow their land to be used for outdoor educational purposes. (Metzger of Cheshire Dist. 11; McLane of Dist. 15 - To Judiciary)

**HB 1310**, relative to civil and criminal liability for bad checks. (Maviglio of Belknap Dist. 1; Shackett of Grafton Dist. 10 - To Judiciary)

**HB 1311-FN**, regulating naturopathic health care practice. (K. Wheeler of Strafford Dist. 4; Cohen of Dist. 24 - To Health, Human Services and Elderly Affairs)

**HB 1312-FN-L**, increasing the fees for late licensure of dogs. (Trombly of Merrimack Dist. 4 - To Municipal and County Government)

**HB 1313**, prohibiting petroleum-powered boats and controlling the speed of other types of power boats on Cunningham Pond in the town of Peterborough. (Dyer of Hillsborough Dist. 7; Peters of Hillsborough Dist. 7; Bass of Dist. 11 - To Transportation)

**HB 1314**, extending the deadline date for the commissioner of environmental services to report on certain water laws. (Lewis of Merrimack Dist. 5; Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

**HB 1315-L**, amending RSA 154 relative to firewards and firefighters, exempting fire investigators from having law enforcement backgrounds, and extending a study committee. (Dyer of Hillsborough Dist. 7; Thayer of Rockingham Dist. 17; Carrier of Dist. 7 - To Public Protection and Veterans Affairs)

**HB 1316-FN**, repealing the rulemaking authority of the board of nursing relative to nursing assistant fees. (Record of Hillsborough Dist. 23 - To Executive Departments and Administration)

**HB 1317**, imposing a penalty for adjustable rate mortgage overcharges. (Baroody of Hillsborough Dist. 39 - To Commerce, Small Business and Consumer Affairs)

**HB 1318-FN**, repealing a provision of the business corporations act concerning application for reinstatement of charters and relative to the annual reports of beverage vendors and beverage vendor importers. (Fields of Hillsborough Dist. 13 - To Commerce, Small Business and Consumer Affairs)

**HB 1319**, requiring proof of financial responsibility from persons who have had motor vehicle license revocations. (Pelley of Strafford Dist. 10; R. Gage of Hillsborough Dist. 6 - To Commerce, Small Business and Consumer Affairs)

**HB 1320**, extending the time for recording a foreclosure deed and affidavit after a foreclosure sale when such recording is prevented by order or stay of any court of law. (Krueger of Sullivan Dist. 6; B. Packard of Hillsborough Dist. 15; Disnard of Dist. 8; Pressley of Dist. 12 - To Commerce, Small Business and Consumer Affairs)

**HB 1321-L**, imposing controls on the budget, including limiting budget increases, and relative to procedures to be followed when there is a revenue shortfall or a budget surplus. (Jacobson of Merrimack Dist. 2 - To Appropriations)

**HB 1322**, allowing legislators to testify before the fiscal committee and limiting certain powers of the fiscal committee. (Jacobson of Merrimack Dist. 2 - To Legislative Administration)

**HB 1323-L**, forming a study committee to develop a survey to be used by the department of education to collect and compile information regarding major school construction projects. (M. Hill of Merrimack Dist. 14 - To Education)

**HB 1324-FN**, extending the minimum period for driver's license suspension or revocation for a drug offense to 6 months and expanding the advice by a law enforcement officer relative to implied consent testing for DWI. (Haynes of Rockingham Dist. 9 - To Judiciary)

**HB 1325-FN**, transferring the amount above legislative estimates in the vanity plate fund from the general fund to the highway fund. (J. Chandler of Merrimack Dist. 1 - To Appropriations)

**HB 1326**, requiring that service of process at a defendant's abode comply with court rules. (Burling of Sullivan Dist. 1 - To Judiciary)

**HB 1327-FN**, prohibiting the state from requiring public assistance applicants to cross picket lines to apply for jobs. (Baroody of Hillsborough Dist. 39; Laughlin of Hillsborough Dist. 38; O'Rourke of Hillsborough Dist. 35; Drabinowicz of Hillsborough Dist. 32; J. King of Dist. 18 - To Labor, Industrial and Rehabilitative Services)

**HB 1328-FN**, relative to the fiscal responsibilities of the county commissioners and the county convention for capital expenditures in Rockingham county. (W. McCain of Rockingham Dist. 11 - To Municipal and County Government)

**HB 1329-FN-L**, specifying the time for the municipal treasurer to make payments of annual budget funds to the village district. (Golden of Belknap Dist. 7 - To Municipal and County Government)

**HB 1330**, prohibiting certain credit card practices involving providers of travel services. (Rosen of Belknap Dist. 9; Sen. Fraser of Dist. 4 - To Commerce, Small Business and Consumer Affairs)

**HB 1331**, authorizing the establishment of municipal trails. (Metzger of Cheshire Dist. 11; M. Fuller Clark of Rockingham Dist. 25; P. Brown of Grafton Dist. 11 - To Public Works)

**HB 1332**, removing the prohibition on use or possession of tobacco products by minors. (Lockwood of Merrimack Dist. 6 - To Children, Youth and Juvenile Justice)

**HB 1333-FN**, requiring a hearing in certain circumstances to determine the need for vocational rehabilitation in workers' compensation claims. (D. Dow of Grafton Dist. 8 - To Labor, Industrial and Rehabilitative Services)

**HB 1334-FN-L**, requiring funds allocated for a special education student to follow the student if the student transfers to another school district. (Pageotte of Strafford Dist. 8; Vincent of Strafford Dist. 8 - To Education)

**HB 1335**, relative to plastic holding devices used in packaging. (L. Smith of Hillsborough Dist. 21; Baker of Hillsborough Dist. 19; Searles of Hillsborough Dist. 19; Jasper of Hillsborough Dist. 19; Martin of Hillsborough Dist. 26 - To Environment and Agriculture)

**HB 1336**, prohibiting insurance companies from mandating specific motor vehicle glass repair shops. (Malcolm of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

**HB 1337**, banning the use of internal combustion engines on Gilmore Pond in the town of Jaffrey. (Grodin of Cheshire Dist. 6; Sen. Bass of Dist. 11 - To Transportation)

**HB 1338**, relative to the definition of "wetlands." (L. Pratt of Coos Dist. 6 - To Resources, Recreation and Development)

**HB 1339**, requiring the division of human services to report certain obligors to consumer reporting agencies. (Baldizar of Hillsborough Dist. 22; Maviglio of Belknap Dist. 1; Wallner of Merrimack Dist. 21; Nordgren of Grafton Dist. 12; Lozeau of Hillsborough Dist. 25 - To Commerce, Small Business and Consumer Affairs)

**HB 1340-FN-L**, relative to withholdings for property taxes. (Kurk of Hillsborough Dist. 3 - To Municipal and County Government)

**HB 1341-FN-L**, clarifying the terms "subsequent tax" and "registered" and "certified" mail for purposes of certain property tax laws. (Golden of Belknap Dist. 7 - To Municipal and County Government)

**HB 1342-A**, relative to the location and establishment of a state veterans' cemetery within the Pease Air Force Base facilities and making an appropriation therefor. (Fenton of Hillsborough Dist. 20; Chambers of Grafton Dist. 12; Thayer of Rockingham Dist. 17; Gross of Merrimack Dist. 16; Fields of Hillsborough Dist. 13; T. Christie of Merrimack Dist. 9; McDowell of Hillsborough Dist. 29; Cohen of Dist. 24; Colantuono of Dist. 14; Shaheen of Dist. 21 - To Public Protection and Veterans Affairs)

**HB 1343-FN**, relative to the approval of wetlands minimum impact projects by individuals actively engaged in agricultural or forestry practices. (Scanlan of Grafton Dist. 11 - To Resources, Recreation and Development)

**HB 1344-L**, allowing county solid waste districts instead of town solid waste districts by majority vote of the county delegation. (Burnham of Cheshire Dist. 5; Gilmore of Strafford Dist. 7; Parks of Strafford Dist. 6; A. Merrill of Strafford Dist. 4 - To Environment and Agriculture)

**HB 1345**, allowing off-sale beer and wine licensees to advertise by signs and posters. (D. Sytek of Rockingham Dist. 20; Shackett of Grafton Dist. 10; Klemm of Rockingham Dist. 22 - To Regulated Revenues)

**HB 1346-FN**, requiring the installation by the state of a traffic signal light at the intersection of route 25 and Moultonborough Neck Road in Moultonborough. (Pignatelli of Hillsborough Dist. 31; Maviglio of Belknap Dist. 1; A. Wigin of Carroll Dist. 4; Salatiello of Belknap Dist. 3 - To Public Works)

**HB 1347-A**, appropriating money for design and engineering of a vocational education center in Milford. (D. Wheeler of Hillsborough Dist. 10; Frechette of Strafford Dist. 8; Oliver of Coos Dist. 7; Carpenter of Hillsborough Dist. 10 - To Public Works)

**HB 1348**, permitting a town or city to charge owners of open space land a fee which is dedicated to schools within that town or city. (Feuer of Cheshire Dist. 4 - To Environment and Agriculture)

**HB 1349**, requiring certain disclosure during recruitment by multi-level or network marketing corporations. (Hurst of Rockingham Dist. 17; Fields of Hillsborough Dist. 13; Nehring of Strafford Dist. 1; Spencer of Strafford Dist. 4 - To Commerce, Small Business and Consumer Affairs)

**HB 1350**, revising the laws that require a prescription to purchase a hypodermic needle. (Copenhaver of Grafton Dist. 12; Bell of Rockingham Dist. 26; Trombly of Merrimack Dist. 4; C. Kane of Rockingham Dist. 28 - To Health, Human Services and Elderly Affairs)

**HB 1351**, creating a committee to review the laws governing tax-exempt property and to study the concept of and criteria for payment in lieu of taxes by tax-exempt properties in response to HBI 2 of the 1991 session. (Wadsworth of Grafton Dist. 13; Grodin of Cheshire Dist. 6 - To Municipal and County Government)

**HB 1352**, relative to the right of a mortgagor to sell or transfer property subject to a loan agreement or note and mortgage. (Baroody of Hillsborough Dist. 39 - To Commerce, Small Business and Consumer Affairs)

**HB 1353**, relative to civil recovery of damages for shoplifting. (Burling of Sullivan Dist. 1; Hollingworth of Dist. 23 - To Judiciary)

**HB 1354**, establishing a committee to study the establishment of utility rate regulation based on incentives rather than rate of return. (Ferlan of Hillsborough Dist. 24; Rosen of Belknap Dist. 9; Cohen of Dist. 24 - To Science, Technology and Energy)

**HB 1355-FN**, permitting certain residents on active duty to be issued free hunting and fishing licenses. (Paquette of Hillsborough Dist. 46 - To Fish and Game)

**HB 1356**, establishing a study committee to examine possible methods within the existing court system to have land use cases heard by judges with expertise in land use issues. (L. Smith of Hillsborough Dist. 21; Lown of Hillsborough Dist. 9; Podles of Dist. 16 - To Judiciary)

**HB 1357**, establishing a committee to study the concept of in-home care as an alternative to institutionalized care. (K. Foster of Cheshire Dist. 17; I. Pratt of Cheshire Dist. 3; Parks of Strafford Dist. 6; Ziegra of Belknap Dist. 6; McLane of Dist. 15; Blaisdell of Dist. 10 - To Health, Human Services and Elderly Affairs)

**HB 1358-A**, making an appropriation for the new Manchester district court facility. (LaMott of Grafton Dist. 5; O'Rourke of Hillsborough Dist. 35 - To Public Works)

**HB 1359**, requiring confidentiality of personnel files of local police officers except in certain criminal cases. (Burling of Sullivan Dist. 1; Record of Hillsborough Dist. 23 - To Judiciary)

**HB 1360-FN**, authorizing a tri-state fishing license for New Hampshire residents and residents of Maine and Vermont. (Lougee of Grafton Dist. 13; Drake of Rockingham Dist. 18; Scanlan of Grafton Dist. 11; Kinney of Strafford Dist. 6; Heath of Dist. 3 - To Fish and Game)

**HB 1361**, establishing a committee to study state motor vehicle fleet management. (LaMott of Grafton Dist. 5; Marsh of Coos Dist. 1 - To Public Works)

**HB 1362-FN-L**, relative to the amount of out-of-state service which may be purchased by group II members. (Klemm of Rockingham Dist. 22; Delahunty of Dist. 22 - To Executive Departments and Administration)

**HB 1363-FN-L**, establishing a crimeline fund and levying a penalty assessment to administer crimelines. (O'Rourke of Hillsborough Dist. 35; A. Bourque of Hillsborough Dist. 35; Pepino of Hillsborough Dist. 37; D. Cote of Hillsborough Dist. 25; Shaheen of Dist. 21; J. King of Dist. 18 - To Public Protection and Veterans Affairs)



**HB 1364**, prohibiting any state official or public official of any political subdivision from releasing the name of a person arrested for driving while intoxicated unless such person is convicted of the offense. (B. McCann of Hillsborough Dist. 31; Record of Hillsborough Dist. 23; Cowenhoven of Hillsborough Dist. 9 - To Judiciary)

**HB 1365-FN**, imposing a boat fee on non-motorized craft to be used to establish a fund to provide public access for non-motorized craft. (Maviglio of Belknap Dist. 1; Jankowski of Strafford Dist. 5; Cohen of Dist. 24 - To Transportation)

**HB 1366-FN**, instituting an annual state budget instead of a biennial state budget. (Dube of Rockingham Dist. 9; Gilmore of Strafford Dist. 7; McCarthy of Rockingham Dist. 18; Rosencrantz of Rockingham Dist. 15 - To Appropriations)

**HB 1367**, enabling local legislative bodies to limit the sale of the use of rights-of-way. (Larson of Grafton Dist. 9 - To Municipal and County Government)

**HB 1368**, allowing municipalities to protect buildings 50 years of age or older from being burned in fire department exercises. (M. Fuller Clark of Rockingham Dist. 25; Weeks of Merrimack Dist. 21; Cohen Dist. 24 - To Municipal and County Government)

**HB 1369**, defining the terms "experimental and investigatory" concerning medical procedures for insurance purposes and establishing a review board to hear controversial cases. (M. Fuller Clark of Rockingham Dist. 25; Wall of Strafford Dist. 4; Terninko of Rockingham Dist. 2; Gilmore of Strafford Dist. 7; Griebisch of Rockingham Dist. 24; McLane of Dist. 15; Cohen of Dist. 24; Shaheen of Dist. 21 - To Commerce, Small Business and Consumer Affairs)

**HB 1370**, to provide rotating 4-year county commissioner terms in Rockingham county. (Weyler of Rockingham Dist. 10 - To Municipal and County Government)

**HB 1371**, permitting an adoptee 21 years of age or older or adoptive parents to discover the identity of the adoptee's natural parents in certain circumstances. (Harland of Sullivan Dist. 8; Gilmore of Strafford Dist. 7 - To Children, Youth and Juvenile Justice)

**HB 1372-FN**, placing restrictions on the sale and disposal of manganese, zinc carbon, and oxide batteries. (Tarpley-Bamberger of Hillsborough Dist. 9; Trombly of Merrimack Dist. 4; A. Merrill of Strafford Dist. 4 - To Environment and Agriculture)

**HB 1373**, prohibiting special "happy hour" prices and promotions on drinks sold by liquor licensees. (Lozeau of Hillsborough Dist. 25; Podles of Dist. 16; Hollingworth of Dist. 23 - To Regulated Revenues)

**HB 1374**, establishing a task force on women at risk for drug and alcohol abuse during pregnancy. (Baldizar of Hillsborough Dist. 22; Nordgren of Grafton Dist. 12; Bean of Grafton Dist. 13; Hollingworth of Dist. 23; Roberge of Dist. 9 - To Health, Human Services and Elderly Affairs)

**HB 1375**, requiring individuals convicted of drunk or drugged driving to obtain a medical insurance rider to cover the cost of treatment for alcoholism or drug abuse. (Spencer of Strafford Dist. 4; Hashem of Strafford Dist. 3 - To Commerce, Small Business and Consumer Affairs)

**HB 1376-FN-L**, requiring the department of environmental services to pay 20 percent of the annual amortization charges on the original costs resulting from the acquisition and construction of a sewage disposal facility by the North Conway water precinct. (Allard of Carroll Dist. 2 - To Appropriations)



**HB 1377**, banning the use of any boat equipped with an internal combustion engine on the open waters of Stone Pond in the town of Marlborough. (Burnham of Cheshire Dist. 5 - To Transportation)

**HB 1378-FN-L**, increasing school aid in the event that a 6 percent income tax becomes law and making an appropriation therefor. (Arnesen of Grafton Dist. 7 - To Ways and Means)

**HB 1379-FN-L**, relative to a state contribution to towns and cities with land in current use in the event that a personal income tax becomes law and making an appropriation therefor. (Arnesen of Grafton Dist. 7 - To Ways and Means)

**HB 1380**, establishing a committee to study the effects of itinerant vendors on the retail community in New Hampshire. (O'Rourke of Hillsborough Dist. 35; Soucy of Hillsborough Dist. 39; A. Bourque of Hillsborough Dist. 35; R. Buckley of Hillsborough Dist. 42; Podles of Dist. 16 - To Commerce, Small Business and Consumer Affairs)

**HB 1381**, establishing a procedure to be used in the absence of a living will if the wishes of the terminally ill or permanently unconscious patient were known to other persons. (Gilmore of Strafford Dist. 7; Nordgren of Grafton Dist. 12; K. Foster of Cheshire Dist. 17; A. Torr of Strafford Dist. 6; Hollingworth of Dist. 23; Cohen of Dist. 24 - To Judiciary)

**HB 1382**, requiring all sellers of property to fully disclose information relative to private water supplies and sewage disposal. (Dowling of Rockingham Dist. 7 - To Resources, Recreation and Development)

**HB 1383-A-L**, making a bonded appropriation to pay for no more than 50 percent of the costs of cleaning up the Dover municipal landfill. (A. Torr of Strafford Dist. 6; Burns of Coos Dist. 5; Gross of Merrimack Dist. 16; W. McCann of Strafford Dist. 7; Dupont of Dist. 6; Shaheen of Dist. 21 - To Public Works)

**HB 1384**, relative to the right of firefighters and police officers to recover for workers' compensation injuries caused by the negligence of others. (Elliott of Hillsborough Dist. 2; Baldizar of Hillsborough Dist. 22 - To Labor, Industrial and Rehabilitative Services)

**HB 1385-FN**, requiring the division for children and youth services to implement certain procedures for handling complaints regarding abused and neglected children. (Trombly of Merrimack Dist. 4 - To Children, Youth and Juvenile Justice)

**HB 1386-FN-A**, establishing a foundation aid formula study committee, authorizing the committee to hire a consultant to study different methods of financing education and making an appropriation therefor. (Larson of Grafton Dist. 9 - To Education)

**HB 1387-FN-L**, clarifying the laws relative to temporary guardianship. (Soldati of Merrimack Dist. 19; Dupont of Dist. 6; Podles of Dist. 16 - To Judiciary)

**HB 1388**, imposing a civil penalty in any proceeding in which a rule of a manufactured housing park owner is deemed unreasonable. (Lozeau of Hillsborough Dist. 25; D. Cote of Hillsborough Dist. 25; Salatiello of Belknap Dist. 3; Hollingworth of Dist. 23; Nelson of Dist. 13 - To State Institutions and Housing)

**HB 1389-FN**, requiring certain revenue from the gasoline tax allocated to the department of transportation be used to paint the center and edge lines on the state's highways. (Burnham of Cheshire Dist. 5 - To Public Works)

**HB 1390-FN**, providing a 5 percent cost of living adjustment for teacher members of the retirement system and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. (Pearson of Cheshire Dist. 15 - To Executive Departments and Administration)

**HB 1391-FN-A**, taxing commercial amusement machines. (Behrens of Sullivan Dist. 3 - To Regulated Revenues)

**HB 1392**, requiring the insurance commissioner to report to the legislature at public hearings twice per year. (Braiterman of Merrimack Dist. 3; Pressly of Dist. 12 - To Legislative Administration)

**HB 1393-FN**, establishing that fines for summonses for motor vehicle violations for which a plea may be made by mail be paid to the division of motor vehicles. (Daly of Carroll Dist. 3; G. Katsakiores of Rockingham Dist. 7; Malcolm of Rockingham Dist. 17; Podles of Dist. 16; Currier of Dist. 7 - To Judiciary)

**HB 1394-FN-A**, continually appropriating a portion of physicians' license fees to the department of justice. (Burling of Sullivan Dist. 1; Hollingworth of Dist. 23 - To Executive Departments and Administration)

**HB 1395-FN-A**, relative to soil conservation districts and making a supplemental appropriation therefor. (Copenhaver of Grafton Dist. 12; M. Campbell of Rockingham Dist. 20; Teschner of Grafton Dist. 5 - To Appropriations)

**HB 1396-FN**, authorizing the New Hampshire municipal bond bank to sell bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills, and to clean up hazardous waste sites, solid waste sites and superfund sites. (Chambers of Grafton Dist. 12; W. McCann of Strafford Dist. 7; A. Merrill of Strafford Dist. 4; Gilmore of Strafford Dist. 7; Shaheen of Dist. 21; Cohen of Dist. 24; Hollingworth of Dist. 23 - To Commerce, Small Business and Consumer Affairs)

**HB 1397-FN-L**, extending unemployment benefits for 13 weeks beyond the current limit until the state unemployment rate is at or below 5 percent for 3 consecutive months. (W. McCann of Strafford Dist. 7; D. Cote of Hillsborough Dist. 25; McGovern of Rockingham Dist. 27; Shaheen of Dist. 21 - To Labor, Industrial and Rehabilitative Services)

**HB 1398-FN-L**, prohibiting charging to counties the cost for testing certified nursing assistants in nursing homes. (Record of Hillsborough Dist. 23 - To Health, Human Services and Elderly Affairs)

**HB 1399-FN**, changing the name of the board of examiners of psychologists to the board of examiners of mental health practice, expanding such board, and certifying mental health counselors. (W. McCain of Rockingham Dist. 11; Fraser of Dist. 4 - To Executive Departments and Administration)

**HB 1400-FN**, relative to the comprehensive shoreland protection act. (Markley of Grafton Dist. 6; Maviglio of Belknap Dist. 1; Russman of Dist. 19 - To Resources, Recreation and Development)

**HB 1401**, requiring the mandates task force to study the impact of the development of the prison facility in the city of Laconia. (Rosen of Belknap Dist. 9; Rice of Belknap Dist. 8; Fraser of Dist. 4 - To Legislative Administration)

**HB 1402-FN**, exempting from competitive bidding purchases or services from non-profit organizations by certain state agencies for severely disabled or emotionally disturbed children. (Chambers of Grafton Dist. 12; Bell of Rockingham Dist. 26; Nordgren of Grafton Dist. 12 - To Executive Departments and Administration)

**HB 1403**, limiting the authority of governor and council to approve out-of-court settlements for claims against the state and requiring the approval of governor and council for certain judgments against the state. (Kurk of Hillsborough Dist. 3 - To Appropriations)

**HB 1404-FN**, relative to mandatory testing for health care providers and certain patients for communicable diseases. (D. Wheeler of Hillsborough Dist. 10; McDowell of Hillsborough Dist. 29 - To Health, Human Services and Elderly Affairs)

**HB 1405**, relative to appeal of tax assessments to the board of tax and land appeals and the superior court. (Grodin of Cheshire Dist. 6 - To Municipal and County Government)

**HB 1406**, relative to prohibiting legally blind persons from carrying a loaded pistol or revolver. (Julie Brown of Strafford Dist. 11; Bell of Rockingham Dist. 26; Bickford of Strafford Dist. 10 - To Public Protection and Veterans Affairs)

**HB 1407**, repealing laws relative to abortion. (K. Wheeler of Strafford Dist. 4; S. Green of Hillsborough Dist. 36; Trombly of Merrimack Dist. 4; L. Apple of Merrimack Dist. 9; Lown of Hillsborough Dist. 9; Cohen of Dist. 24; Shaheen of Dist. 21; Hollingworth of Dist. 23; McLane of Dist. 15 - To Judiciary)

**HB 1408-FN-L**, relative to technical changes in the unemployment compensation law and increasing the amount of taxable wages. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

**HB 1409**, allowing a unit owner to pay a percentage of a lien for unpaid assessments and to obtain a release of the lien on the unit. (Krueger of Sullivan Dist. 6; Baker of Hillsborough Dist. 19; McKinney of Rockingham Dist. 23; Mercer of Hillsborough Dist. 23; B. Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

**HB 1410-FN-L**, requiring the party requesting an abatement to reimburse the board of tax and land appeals for the costs of reappraisal and investigations for abatement when the original appraisal is found to be correct. (P. Brown of Grafton Dist. 11; Scanlan of Grafton Dist. 11 - To Municipal and County Government)

**HB 1411-FN-L**, limiting the compensation of certain non-attorney guardians ad litem. (Record of Hillsborough Dist. 23 - To Children, Youth and Juvenile Justice)

**HB 1412-FN-L**, requiring judges to issue bench warrants for any person scheduled by the court to make time payments who defaults on a time payment or a court appearance. (R. Foster of Carroll Dist. 4 - To Judiciary)

**HB 1413-FN**, giving shorefront property owners the right to protect their property from erosion. (Whittemore of Merrimack Dist. 10; Dickinson of Carroll Dist. 2; Asplund of Merrimack Dist. 10; J. Young of Strafford Dist. 10 - To Resources, Recreation and Development)

**HB 1414-FN-A**, establishing a medicaid plan to enhance the funding of services for children and families and making an appropriation therefor. (Chambers of Grafton Dist. 12; Nardi of Hillsborough Dist. 35; Pignatelli of Hillsborough Dist. 31; Wallner of Merrimack Dist. 21 - To Health, Human Services and Elderly Affairs)

**HB 1415-FN**, allowing businesses to use their logos on business directional signs. (Nichols of Merrimack Dist. 2; S. Cole of Cheshire Dist. 10; Warburton of Rockingham Dist. 6; Nelson of Dist. 13; D. Currier of Dist. 7 - To Public Works)

**HB 1416**, allowing pre-paid purchasers of prearranged funeral service or burial plan contracts to cancel or transfer the contract. (Horton of Coos Dist. 4; L. Pratt of Coos Dist. 6 - To Commerce, Small Business and Consumer Affairs)

**HB 1417**, requiring the return of a mortgage discharge within 15 days. (Baroody of Hillsborough Dist. 39; R. Kelley of Hillsborough Dist. 13 - To Commerce, Small Business and Consumer Affairs)

**HB 1418**, requiring the attorney general to consider the number of victims served when apportioning the victims' assistance fund. (Spencer of Strafford Dist. 4; Jasper of Hillsborough Dist. 19; Shaheen of Dist. 21; Pressly of Dist. 12 - To Judiciary)

**HB 1419**, prohibiting the use of internal combustion engines on Moores Pond in the towns of Tamworth and Madison. (Spencer of Strafford Dist. 4; Hashem of Strafford Dist. 3 - To Transportation)

**HB 1420**, permitting a law enforcement officer to intercept certain wire and oral communications without the consent of one of the parties to the communication. (L. Smith of Hillsborough Dist. 21; A. Christie of Rockingham Dist. 17; Jasper of Hillsborough Dist. 19 - To Judiciary)

**HB 1421**, establishing a task force to develop incentives for energy efficient buildings. (A. Merrill of Strafford Dist. 4; McIlwaine of Grafton Dist. 3; Arnesen of Grafton Dist. 7; Gilmore of Strafford Dist. 7; Cohen of Dist. 24 - To Science, Technology and Energy)

**HB 1422**, establishing procedures for expediting resolution of medical injury claims. (Burling of Sullivan Dist. 1; Hollingworth of Dist. 23 - To Judiciary)

**HB 1423-FN-L**, requiring the governor and council to appropriate funds to the plaintiffs in the Claremont school district lawsuit on a matching dollar basis for funds appropriated under RSA 7:12 for the state's defense. (Burling of Sullivan Dist. 1; Disnard of Dist. 8 - To Appropriations)

**HB 1424**, changing certain definitions and penalties in the laws concerning emergency motor vehicle operation. (B. Hall of Hillsborough Dist. 16 - To Transportation)

**HB 1425-A**, relative to railroad rehabilitation and making an appropriation therefor. (Guay of Coos 7; LaMott of Grafton Dist. 5; Brungot of Coos Dist. 8; F. Buckley of Coos Dist. 2; Oliver of Coos Dist. 7; Oleson of Dist. 1 - To Public Works)

**HB 1426**, authorizing water users registered and reporting their use to the division of water resources to continue such use for the 1992-93 biennium. (Maviglio of Belknap Dist. 1; L. Smith of Hillsborough Dist. 21; Conroy of Rockingham Dist. 7; Oleson of Dist. 1; Russman of Dist. 19 - To Resources, Recreation and Development)

**HB 1427**, to restrict the policymaking authority of the fiscal committee. (Nardi of Hillsborough Dist. 35; D. Hall of Merrimack Dist. 7; Colantuono of Dist. 14 - To Legislative Administration)

**HB 1428**, establishing a study committee to investigate the need and possible funding sources for a state witness protection program. (Jeffrey Brown of Rockingham Dist. 14 - To Judiciary)

**HB 1429**, relative to accounting for land use change tax funds. (Peyron of Sullivan Dist. 2 - To Municipal and County Government)

**HB 1430**, relative to the disclosure of certain information relating to musical performances. (Trombly of Merrimack Dist. 4; Rep. Malcolm of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

**HB 1431-FN**, requiring electric utilities to submit reports on their progress in implementing least cost energy plans and requiring the public utilities commission to submit a biennial report detailing least cost resource planning and implementation in the state. (A. Merrill of Strafford Dist. 4; McIlwaine of Grafton Dist. 3; Gilmore of Strafford Dist. 7; Hanselman of Hillsborough Dist. 17; Cohen of Dist. 24 - To Science, Technology and Energy)

**HB 1432**, establishing a right to work act which provides for freedom of choice on whether to join a labor organization. (Daniels of Hillsborough Dist. 10; Jasper of



Hillsborough Dist. 19; J. Sytek of Rockingham Dist. 20; Humphrey of Dist. 17 - To Labor, Industrial and Rehabilitative Services)

**HB 1433**, prohibiting the wearing of certain masks and hoods. (Bell of Rockingham Dist. 26; Gilmore of Strafford Dist. 7; Julie Brown of Strafford Dist. 11; O'Brien of Strafford Dist. 10 - To Judiciary)

**HB 1434**, requiring employers advertising for replacement workers during a strike to state such in any advertisement. (Baroody of Hillsborough Dist. 39; Laughlin of Hillsborough Dist. 38; O'Rourke of Hillsborough Dist. 35; D. Messier of Strafford Dist. 9 - To Labor, Industrial and Rehabilitative Services)

**HB 1435**, prohibiting refiners from requiring that retailers purchase motor fuel from certain distributors and imposing penalties for violations. (Gilmore of Strafford Dist. 7; Rep. A. Merrill of Strafford Dist. 4 - To Science, Technology and Energy)

**HB 1436**, changing the effective date of certain portions of the shoreland protection act. (Maviglio of Belknap Dist. 1; Russman of Dist. 19; McLane of Dist. 15 - To Resources, Recreation and Development)

**HB 1437**, requiring a total refund on concerts or other event tickets and obligating event promoters to reimburse ticket sellers for all service fees. (Malcolm of Rockingham Dist. 17; Trombly of Merrimack Dist. 4; A. Christie of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

**HB 1438-FN**, requiring the department of administrative services to include consideration of energy efficiency in its purchase of lighting, heating, and cooling devices and establishing an interagency energy efficiency committee. (A. Merrill of Strafford Dist. 4; McIlwaine of Grafton Dist. 3; Gilmore of Strafford Dist. 7; Cohen of Dist. 24; Shaheen of Dist. 21 - To Executive Departments and Administration)

**HB 1439**, instituting a motor vehicle emissions inspection program and requiring a study of the impact of diesel fuel and vehicles on the environment. (E. Greene of Rockingham Dist. 18; B. McCann of Hillsborough Dist. 31; Burnham of Cheshire Dist. 5; Musler of Strafford Dist. 3; A. Merrill of Strafford Dist. 4; Russman of Dist. 19 - To Environment and Agriculture)

**HB 1440-FN-L**, relative to preparation of master jury lists by the department of safety from drivers' licenses lists. (Pelley of Strafford Dist. 10; Murphy of Hillsborough Dist. 40 - To Judiciary)

**HB 1442-L**, relative to a census of school age children. (P. Brown of Grafton Dist. 11; Durham of Hillsborough Dist. 18; J. King of Dist. 18 - To Education)

**HB 1443-FN-L**, extending the time period allowed for redemption before a municipality may sell a property for nonpayment of property taxes. (Chambers of Grafton Dist. 12; Salatiello of Belknap Dist. 3; Soucy of Hillsborough Dist. 39 - To Municipal and County Government)

**HB 1444-FN-A**, distributing a portion of the meals and rooms tax to promote tourism in the state in the event a personal income tax becomes law. (Arnesen of Grafton Dist. 7 - To Ways and Means)

**HB 1445-FN-L**, clarifying the definition of a year-round dwelling. (Roulston of Rockingham Dist. 20 - To State Institutions and Housing)

**HB 1446-FN**, requiring automobile dealers to register all demonstration cars. (J. Johnson of Merrimack Dist. 11 - To Transportation)

**HB 1447-FN**, increasing witness fees for law enforcement officers. (W. McCain of Rockingham Dist. 11; Grodin of Cheshire Dist. 6 - To Appropriations)

**HB 1448**, relative to the loyalty oath for teachers. (Champagne of Cheshire Dist. 17; Yeaton of Merrimack Dist. 7 - To Education)



**HB 1449-FN**, repealing the law requiring the state to compile and publish school laws. (Skinner of Rockingham Dist. 21; Searles of Hillsborough Dist. 19; J. King of Dist. 18 - To Education)

**HB 1450**, establishing a 5-year capital budget plan. (Lougee of Grafton Dist. 13; Jasper of Hillsborough Dist. 19 - To Public Works)

**HB 1451-FN**, relative to the transportation of pupils living within a certain distance from the school to which they are assigned. (Hoelzel of Rockingham Dist. 6; P. Brown of Grafton Dist. 11; Searles of Hillsborough Dist. 19; J. King of Dist. 18 - To Education)

**HB 1452-FN-L**, allowing the county treasurer to use call bonds and lines of credit as financial management tools. (G. Katsakiores of Rockingham Dist. 7; Rubin of Rockingham Dist. 19; DiPietro of Rockingham Dist. 13; Syracuse of Rockingham Dist. 26 - To Municipal and County Government)

**HB 1453-FN**, transferring the responsibility of regulating the propagation of deer and sale of venison from the fish and game department to the department of agriculture. (B. Hall of Hillsborough Dist. 16 - To Fish and Game)

**HB 1454-FN**, relative to the motor vehicle fuel tax imposed on propane and compressed natural gases. (A. Bourque of Hillsborough Dist. 35 - To Public Works)

**HB 1455-FN**, relative to motor vehicle laws, including increasing motor fuel distributors' minimum bonding amount, suspension of wholesale motor vehicle dealer's registration, hanging disability placards, and other technical changes. (Haynes of Rockingham Dist. 9 - To Transportation)

**HB 1456-FN**, relative to health insurance for state employees. (Ferlan of Hillsborough Dist. 24; Rosen of Belknap Dist. 9; A. Smith of Rockingham Dist. 20 - To Executive Departments and Administration)

**HB 1457-FN**, limiting the display of tobacco products. (Connell of Rockingham Dist. 4 - To Regulated Revenues)

**HB 1458-FN**, licensing elevator mechanics. (Baroody of Hillsborough Dist. 39; S. Packard of Rockingham Dist. 23; Laughlin of Hillsborough Dist. 38; Drabinowicz of Hillsborough Dist. 32; J. King of Dist. 18 - To Executive Departments and Administration)

**HB 1459-FN**, protecting the job and certain benefits of a classified employee injured in the line of duty. (Baroody of Hillsborough Dist. 39; Laughlin of Hillsborough Dist. 38; Drabinowicz of Hillsborough Dist. 32; Melnick of Rockingham Dist. 23; J. Flanders of Rockingham Dist. 10 - To Executive Departments and Administration)

**HB 1460-FN**, relative to land fee increases in manufactured housing parks. (Lozeau of Hillsborough Dist. 25; D. Cote of Hillsborough Dist. 25 - To State Institutions and Housing)

**HB 1462-FN**, accelerating parole eligibility prior to the expiration of minimum sentencing based on credits for good conduct, removing the requirement of a 150-day disciplinary period and establishing a performance and behavioral agreement parole requirement. (Braiterman of Merrimack Dist. 3; Nielsen of Grafton Dist. 8; L. Apple of Merrimack Dist. 9 - To Judiciary)

**HB 1463-FN**, to charge a 10 percent buyer's premium on state-auctioned goods, with the resulting income to be used by the division of historical resources. (Sallada of Hillsborough Dist. 4 - To Executive Departments and Administration)

**HB 1464-FN-A**, relative to children and family services and making an appropriation therefor. (W. McCain of Rockingham Dist. 11; Gross of Merrimack Dist. 16; Trombly of Merrimack Dist. 4 - To Children, Youth and Juvenile Justice)

**HB 1465-L**, relative to the taxation and transfer of restricted land. (Metzger of Cheshire Dist. 11; Burnham of Cheshire Dist. 5 - To Municipal and County Government)

**HB 1466-FN**, defining the term "misconduct" for the purposes of disqualification for benefits, increasing the membership on the advisory council on unemployment compensation and making other changes in the unemployment compensation laws. (Maviglio of Belknap Dist. 1; Reidy of Hillsborough Dist. 45; Cohen of Dist. 24; Oleson of Dist. 1; Shaheen of Dist. 21 - To Labor, Industrial and Rehabilitative Services)

**HB 1467-FN**, requiring criminal history record checks for sales of firearms by dealers using a toll-free telephone number. (Pepino of Hillsborough Dist. 37; Welch of Rockingham Dist. 10 - To Public Protection and Veterans Affairs)

**HB 1468-FN-L**, relative to the education of disabled children. (W. Riley of Cheshire Dist. 5; Trombly of Merrimack Dist. 4; Robinson of Hillsborough Dist. 12; Larson of Grafton Dist. 9; LaMott of Grafton Dist. 5; Spencer of Strafford Dist. 4; Disnard of Dist. 8 - To Education)

**HB 1469-FN-L**, changing the interest rates on delinquent and subsequent taxes. (Lachut of Hillsborough Dist. 1; G. Katsakiores of Rockingham Dist. 7; Elliott of Hillsborough Dist. 2; Kurk of Hillsborough Dist. 3; Hultgren of Hillsborough Dist. 1; Currier of Dist. 7 - To Municipal and County Government)

**HB 1470-FN-L**, relative to education of children. (Lozeau of Hillsborough Dist. 25 - To Education)

**HB 1471-FN**, changing the penalties for theft of timber from another person's land or for altering the mark of any mill log belonging to another person. (Kurk of Hillsborough Dist. 3; S. Cole of Cheshire Dist. 10 - To Resources, Recreation and Development)

**HB 1472-FN-A-L**, providing for property tax relief financed by a credit card use tax. (Kurk of Hillsborough Dist. 3 - To Ways and Means)

**HB 1473-FN**, establishing a New Hampshire scenic and cultural byways system. (Lewis of Merrimack Dist. 5; Dickinson of Carroll Dist. 2; Nehring of Strafford Dist. 1; Oleson of Dist. 1; Humphrey of Dist. 17; McLane of Dist. 15 - To Public Works)

**HB 1474-FN-A**, relative to taxability of real estate transfers. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

**HB 1475-FN**, abolishing the state veterans council. (O'Brien of Strafford Dist. 10 - To Executive Departments and Administration)

**HB 1476-FN**, exempting Trager practitioners from the New Hampshire massage therapy laws and requiring such practitioners to adhere to certain other requirements. (Bradley of Carroll Dist. 6 - To Health, Human Services and Elderly Affairs)

**HB 1477-FN-L**, allowing property tax refunds on homesteads when a person's taxes exceed a certain percentage of the person's income. (J. Johnson of Merrimack Dist. 11 - To Municipal and County Government)

**HB 1478-FN-L**, restructuring the Pease development authority. (Arnesen of Grafton Dist. 7; McGovern of Rockingham Dist. 27; A. Merrill of Strafford Dist. 4; Gribsch of Rockingham Dist. 24; Fenton of Hillsborough Dist. 20; Shaheen of Dist. 21; Heath of Dist. 3; Hollingworth of Dist. 23 - To Commerce, Small Business and Consumer Affairs)

**HB 1479-FN**, allowing classified state employees disabled by a job-related injury to accumulate holiday, sick and annual time for one year and to have their salary incre-

ment dates protected for one year. (Baroody of Hillsborough Dist. 39; Melnick of Rockingham Dist. 23; Laughlin of Hillsborough Dist. 38; J. Flanders of Rockingham Dist. 10; Drabinowicz of Hillsborough Dist. 32 - To Executive Departments and Administration)

**HB 1480-FN**, requiring persons who default on court appearances for motor vehicle offenses to pay witness fees for law enforcement officers. (G. Katsakiores of Rockingham Dist. 7; A. Christie of Rockingham Dist. 17; Malcolm of Rockingham Dist. 17 - To Judiciary)

**HB 1481-FN-A**, relative to a uniform business tax. (W. McCann of Strafford Dist. 7 - To Ways and Means)

**HB 1482-FN-A**, lowering the business profits tax and dedicating a portion of the business profits tax to venture capital programs, in the event a personal income tax becomes law. (Arnesen of Grafton Dist. 7 - To Ways and Means)

**HB 1483-FN**, establishing a system of state financial incentives to stimulate a paper recycling industry in the state of New Hampshire. (Janas of Hillsborough Dist. 39; McIlwaine of Grafton Dist. 3; Maviglio of Belknap Dist. 1; Burnham of Cheshire Dist. 5; Oleson of Dist. 1 - To Economic Development)

**HB 1484-FN**, to provide retirement system credit for service in the university system of New Hampshire. (Yeaton of Merrimack Dist. 7 - To Executive Departments and Administration)

**HB 1485**, requiring the division for children and youth services to use reasonable efforts to preserve families while providing services designed to protect children. (Wallner of Merrimack Dist. 21; Nordgren of Grafton Dist. 12; Haettenschwiller of Hillsborough Dist. 28; Podles of Dist. 16; McLane of Dist. 15; Dupont of Dist. 6 - To Children, Youth and Juvenile Justice)

**HB 1486-FN-A-L**, relative to a one percent state income tax and making an appropriation therefor. (Jacobson of Merrimack Dist. 2 - To Ways and Means)

**HB 1487-FN-A**, decreasing the interest and dividends tax. (D. Young of Cheshire Dist. 1 - To Ways and Means)

**HB 1488-FN-A**, decreasing the telecommunications tax. (D. Young of Cheshire Dist. 1 - To Ways and Means)

**HB 1489-FN-A-L**, authorizing casino excursion cruises, imposing state and municipal taxes and making an appropriation therefor. (Pantelakos of Rockingham Dist. 24 - To Regulated Revenues)

**HB 1490-FN-A-L**, establishing a program in which school districts have the option to test students, faculty and administrators in schools for drugs and alcohol, and continually appropriating a special fund. (Elliott of Hillsborough Dist. 2; D. Dow of Grafton Dist. 8 - To Education)

**HB 1491-FN-L**, requiring professional fundraisers for police, law enforcement and firefighters' associations to register with and be regulated by the department of justice, increasing the amount of the registration fee, solicitation fee and bond, and making technical amendments to the registration law. (Hager of Merrimack Dist. 21 - To Commerce, Small Business and Consumer Affairs)

**HB 1492-A**, eliminating the capital appropriation for the demolition of the Walker building. (McNerney of Hillsborough Dist. 6; Dunn of Merrimack Dist. 21; M. Fuller Clark of Rockingham Dist. 25; Boucher of Rockingham Dist. 23; Weeks of Merrimack Dist. 21 - To Public Works)

**HB 1493-A**, relative to the east-west highway study and making an appropriation therefor. (Frechette of Strafford Dist. 8; Marsh of Coos Dist. 1; Currier of Dist. 7; Oleson of Dist. 1; Shaheen of Dist. 21 - To Public Works)

**HB 1494-FN-L**, implementing the recommendations of the New Hampshire supreme court long-range planning task force regarding the judicial branch. (Martling of Strafford Dist. 4; Burling of Sullivan Dist. 1; Hollingworth of Dist. 23; Podles of Dist. 16 - To Judiciary)

**HB 1495-FN**, transferring harbor masters from the port authority to the department of resources and economic development and requiring harbor master appointments to be made from town nominees, requiring mooring fees to be used for harbor dredging, and repealing powers of arrest granted to harbor masters. (Drake of Rockingham Dist. 18; Felch of Rockingham Dist. 14 - To Resources, Recreation and Development)

**1496-FN-L**, relative to defined benefits, defined contributions, and the funding methodology of the retirement system. (Ward of Grafton Dist. 1; C. Brown of Grafton Dist. 13 - to Executive Departments and Administration)

**HB 1497-FN-L**, relative to retirement benefits, employer contributions to the retirement system, and the retirement system board of trustees. (Ward of Grafton Dist. 1; C. Brown of Grafton Dist. 13; Pelley of Strafford Dist. 10; Shibley of Belknap Dist. 6; R. Wheeler of Hillsborough Dist. 6 - To Executive Departments and Administration)

**HB 1498-FN**, relative to drug forfeiture. (Burling of Sullivan Dist. 1; D. Cote of Hillsborough Dist. 25; Lozeau of Hillsborough Dist. 25; Martling of Strafford Dist. 4 - to Judiciary)

**CACR 20**, Relating to: general court membership size. Providing that: the house membership shall be 250 and the senate membership shall be 36. (Schmidtchen of Rockingham Dist. 23 - To Constitutional and Statutory Revision)

**CACR 21**, Relating to: the operation of private business. Providing that: the state shall not operate or participate in the operation of private business. (Warburton of Rockingham Dist. 6 - To Executive Departments and Administration)

**CACR 22**, Relating to: legislative elections. Providing that: members of the house of representatives shall be elected every 4 years. (Lozeau of Hillsborough Dist. 25 - To Constitutional and Statutory Revision)

**CACR 23**, Relating to: state senate elections. Providing that: members of the state senate shall be elected every 4 years and the number of senators from each district shall be increased to 2. (Lozeau of Hillsborough Dist. 25 - To Constitutional and Statutory Revision)

**CACR 24**, Relating to: gubernatorial elections. Providing that: the governor shall be elected every 4 years. (Lozeau of Hillsborough Dist. 25 - To Constitutional and Statutory Revision)

**CACR 25**, Relating To: right to privacy. Providing That: an individual's right to live free from governmental interference in private or personal matters is fundamental. (Kurk of Hillsborough Dist. 3; Gilmore of Strafford Dist. 7 - To Constitutional and Statutory Revision)

**CACR 26**, Relating To: a personal income tax. Providing That: if an income tax is enacted in the state, it shall be limited to a rate no higher than 4 percent. (D. Sytek of Rockingham Dist. 20 - To Ways and Means)



**CACR 27**, Relating to: taxation. Providing that: there shall be no tax on earned personal income and no general sales tax. (T. Christie of Merrimack Dist. 9 - To Ways and Means)

**CACR 28**, Relating to: restricted motor vehicle revenues. Providing that: excess motor vehicle revenues be appropriated for public transportation. (Senter of Rockingham Dist. 9; Klemarczyk of Rockingham Dist. 13; A. Merrill of Strafford Dist. 4; Russman of Dist. 19; Cohen of Dist. 24 - To Public Works)

**HCR 20**, urging the federal government to establish a post office in the town of Lee. (Spencer of Strafford Dist. 4; Hambrick of Strafford Dist. 4; A. Merrill of Strafford Dist. 4; K. Wheeler of Strafford Dist. 4; Wall of Strafford Dist. 4; Shaheen of Dist. 21 - To State-Federal Relations)

**HCR 21**, urging the U.S. Congress to adopt uniform recycling product labeling standards based on standards developed by the Northeast Recycling Council. (Bradley of Carroll Dist. 6 - To State-Federal Relations)

**HCR 22**, showing the general court's non-support for the federal wetlands policy of manufacturing wetlands to replace wetlands taken for highway construction. (Whittemore of Merrimack Dist. 10 - To Public Works)

**HCR 23**, urging the federal government to pass legislation limiting the cost of prescription drugs. (L. Apple of Merrimack Dist. 9 - To State-Federal Relations)

**HCR 24**, urging President Bush to establish a panel or commission to review access to current health care systems and to adopt unified access to health care in this country. (Wall of Strafford Dist. 4; M. Fuller Clark of Rockingham Dist. 25; Copenhaver of Grafton Dist. 12; Gilmore of Strafford Dist. 7; Baldizar of Hillsborough Dist. 22; Arnesen of Grafton Dist. 7; D. Cote of Hillsborough Dist. 25; McLane of Dist. 15; Hollingworth of Dist. 23; Cohen of Dist. 24 - To State-Federal Relations)

**HCR 25**, encouraging the operators of cable television systems to utilize a portion of their capacity to deliver commercial-free educational programming. (Corte of Strafford Dist. 6; P. Brown of Grafton Dist. 11; Skinner of Rockingham Dist. 21; Spencer of Strafford Dist. 4; Guest of Grafton Dist. 12; Disnard of Dist. 8; Shaheen of Dist. 21 - To Science, Technology and Energy)

**HCR 26**, urging the New Hampshire legislature and the New Hampshire Congressional delegation to discourage certain Air Force testing of F-16 fighter aircraft in New Hampshire airspace. (Maviglio of Belknap Dist. 1; McIlwaine of Grafton Dist. 3; W. King of Dist. 2; Oleson of Dist. 1 - To State-Federal Relations)

**HCR 27**, encouraging the governor to reduce the expenditure of funds for state employee health insurance premiums. (Rosen of Belknap Dist. 9; Ferlan of Hillsborough Dist. 24; A. Smith of Rockingham Dist. 20 - To Appropriations)

**HR 50**, urging the speaker of the house to create a committee to establish a state-wide hospital health insurance plan based on regional criteria. (Jacobson of Merrimack Dist. 2 - To Legislative Administration)

**HR 51**, encouraging subdivisions of state government to privatize. (Warburton of Rockingham Dist. 6 - To Municipal and County Government)

**HR 52**, urging the leadership to assign bills pertaining to health insurance to both the commerce, small business and consumer affairs committee and the health, human services and elderly affairs committee. (K. Wheeler of Strafford Dist. 4; Copenhaver of Grafton Dist. 12; McIlwaine of Grafton Dist. 3 - To Legislative Administration)

### SUSPENSION OF RULES

Reps. Gross and Chambers moved that the rules be so far suspended as to permit consideration at the present time of **HB 1000**, providing for the taking the sense of the legal voters of the state on the question of calling a constitutional convention.

Rep. Gross spoke in favor.

Adopted by the necessary two thirds.

### COMMITTEE REPORT

**HB 1000**, providing for taking the sense of the legal voters of the state on the question of calling a constitutional convention. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol H. Holden for Constitutional and Statutory Revision: This bill, as amended, establishes a study committee to address certain issues regarding the next Constitutional Convention. The Committee will examine how the redistricting of the House will affect the election of delegates, when the delegates should be elected and who should pay the costs, what facilities should be used due to annual sessions and other related issues.

The bill also authorizes the City of Concord to hold a special election to elect charter commission members in with the presidential primary. Vote 9-6.

4404L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a study committee on certain issues regarding the next constitutional convention and authorizing a special election for electing Concord charter commission members.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee on Constitutional Convention Established. A committee is established to study certain procedures and matters relative to holding the next constitutional convention in the event that the voters approve the question of holding such a convention on the ballot in November, 1992 in accordance with the New Hampshire Constitution, Pt. II, Ant. 100. The committee shall consist of the following:

- I. Five house members appointed by the speaker of the house.
- II. Five senators appointed by the senate president.
- III. The governor or designee.
- IV. The secretary of state or designee.
- V. The president of the 1984 constitutional convention or designee.

2 Duties. The committee shall examine the following issues:

I. How the redistricting of house districts will effect the election of convention delegates.

II. When the delegates should be elected and whether the city or town or the state should pay for election costs.

III. What facilities should be used for meetings of the constitutional convention, since the legislature now holds annual sessions.

IV. The costs of holding a constitutional convention and methods for payment of such costs.

V. Any other issues related to holding a constitutional convention which the committee finds relevant.

3 Report. The committee shall submit a report on its findings, including any recommendations for legislation, to the senate president and the speaker of the house on or before September 1, 1992.

4 Special Election Authorized. Notwithstanding the time prescribed in RSA 49-B:4, I(a), the city of Concord is authorized to hold a special election for the purpose of electing charter commission members in conjunction with the presidential primary election on February 18, 1992.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study certain issues regarding the next constitutional convention, if the voters approve holding a constitutional convention.

The bill also authorizes the city of Concord to hold a special election to elect charter commission members in conjunction with the presidential primary election on February 18, 1992.

Rep. Gross spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

#### SUSPENSION OF RULES

Reps. Gross and Chambers moved that the rules be so far suspended as to permit third reading and final passage at the present time of **HB 1000**, providing for taking the sense of the legal voters of the state on the question of calling a constitutional convention and authorizing a special election for electing Concord charter commission members.

Adopted by the necessary two-thirds.

#### Third reading and final passage

**HB 1000**, establishing a study committee on certain issues regarding the next constitutional convention and authorizing a special election for electing Concord charter commission members.

The Rules Committee offered the following:

#### HOUSE RESOLUTION NO. 53

amending the House Rules for the 1992 Session.

Contingent upon adoption of the Ethics Guidelines pertaining to conflict of interest, amend Rule 16 as follows:

Delete the entire rule and insert the following: "In all instances every member shall act in conformance with the duly adopted Ethical Guidelines and opinions of the New Hampshire General Court Ethics Committee. No member shall vote in any case when the member was not present when the question was put."

Amend Rule 29 Committee Names and Duties as follows:

Amend first paragraph to add new Committee on Economic Development after Ways and Means so the rule will read as follows:

29. The following standing policy committees, to consist of not more than 23 members each, shall be appointed at the commencement of any session:

Appropriations; Children, Youth and Juvenile Justice; Commerce, Small Business and Consumer Affairs; Constitutional and Statutory Revision; Education; Environment and Agriculture; Executive Departments and Administration; Fish and Game;

Health, Human Services and Elderly Affairs; Judiciary; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Protection and Veterans Affairs; Public Works; Regulated Revenues; Resources, Recreation and Development; Rules; Science, Technology and Energy; State-Federal Relations; State Institutions and Housing; Transportation; Ways and Means and Economic Development. The Speaker shall be one of the members of the Committee on Rules.

Amend paragraph (u) by deleting "Laconia State School and Training Center", so the rule will read as follows:

(u) It shall be the duty of the Committee on State Institutions and Housing to consider all matters concerning the administration of the New Hampshire Hospital, New Hampshire State Prison, New Hampshire Youth Development Center, Glencliff Home for the Elderly, N. H. Veterans Home and the State Library; matters relating to housing, landlord/tenant relations, leasing, purchasing, and conversion provisions; and such other matters as may be referred to it.

Insert paragraph (x) as follows: It shall be the duty of the Committee on Economic Development to consider all matters pertaining to policy matters which affect the economic development of the state; the Division of Economic Development; the Industrial Development Authority; the N.H. Economic Development Fund; the Small Business Investment Corporation; the Industrial Research Center; the Small Business Development Center; the Advisory Committee on International Trade; the International Trade Promotion Fund, and such other matters as may be referred to it.

Amend Rule 35 (e) by deleting the last sentence which refers to confidential LSRs which no longer are accepted by the Office of Legislative Services from House members, so the rule will read as follows:

(e) If a drafting request for a bill or resolution, filed with the Office of Legislative Services, requires a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the Legislative Budget Assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal.

Amend Rule 45(a) by deleting the phrase "in writing" and replacing it with "prepared by the Office of Legislative Services", so the rule will read as follows:

45. (a) No amendment shall be made until the second reading of a bill. All amendments to bills shall be prepared by the Office of Legislative Services, with the name of the member and the district he represents.

Amend Rule 67 by deleting the entire rule and replacing it with the following:

Legislative action in the second-year session shall be subject to the following deadlines:

Jan. 8 (Wed.) — Last day to introduce all bills.

Jan. 27 (Mon.) — Last day for Appropriations to report re-referred bills.

Feb. 5 (Wed.) — Last day for policy committees to report money bills.

Feb. 26 (Wed.) — Last day for all policy committees to report all House bills except the budget adjustment act and revenue measures.

Mar. 5 (Thurs.) — Last day to act on all House bills except the budget adjustment act and revenue measures.

Mar. 11 (Wed.) — Last day for policy committees to report Senate money bills.

Mar. 18 (Wed.) — Last day to act on Senate money bills from policy committees.



April 8 (Wed.) — Last day to report all Senate bills.

April 15 (Wed.) — Last day to act on all Senate bills.

April 16 (Thurs.) — Last day to concur with Senate amendments, request or accede to committees of conference except for the budget adjustment act and revenue measures.

April 23 (Thurs.) — Last day to sign conference reports except for the budget adjustment act and revenue measures.

April 30 (Thurs.) — Last day to act on conference reports except for the budget adjustment act and revenue measures.

May 5 (Tues.) — Last day for bills to be sent to Governor except for the budget adjustment act and revenue measures.

Rep. Michael Hill spoke in favor.

Adopted.

### VACATES

Rep. Dickinson moved that the House vacate the reference of **HB 1188**, approving the operation of a water ski course on Squam Lake by the Squam Lake Ski Club, to the Committee on Resources, Recreation and Development.

Adopted and referred to Transportation.

Rep. Flanagan moved that the House vacate the reference of **HB 1202**, permitting municipalities that have biennial municipal elections to submit charter changes for approval at biennial state elections, to the Committee on Constitutional and Statutory Revision.

Adopted and referred to Municipal and County Government.

Rep. Elizabeth Greene moved that the House vacate the reference of **HB 1230-L**, prohibiting municipalities from enacting and enforcing local sanitary waste disposal regulations which are more stringent than state regulations to the Committee on Environment and Agriculture.

Adopted and referred to Municipal and County Government.

Rep. Foss moved that the House vacate the reference of **HB 1339**, requiring the division of human services to report certain obligors to consumer reporting agencies, to the Committee on Commerce, Small Business and Consumer Affairs.

Adopted and referred to Children, Youth and Juvenile Justice.

Rep. Haynes moved that the House vacate the reference of **HB 1365-FN**, imposing a boat fee on non-motorized craft to be used to establish a fund to provide public access for non-motorized craft, to the Committee on Transportation.

Adopted and referred to Resources, Recreation and Development.

Rep. Horton moved that the House vacate the reference of **HB 1392**, requiring the insurance commissioner to report to the legislature at public hearings twice per year, to the Committee on Legislative Administration.

Adopted and referred to Commerce, Small Business and Consumer Affairs.

Rep. Hager moved that the House vacate the reference of **HB 1423-FN-L**, requiring the governor and council to appropriate funds to the plaintiffs in the Claremont school district lawsuit on a matching dollar basis for funds appropriated under RSA 7:12 for the state's defense, to the Committee on Appropriations.

Adopted and referred to Judiciary.

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 367-FN**, relative to the profession of engineering, was removed at the request of Rep. John Chandler.

**HB 214-FN-A**, creating a new class of highways for access to public waters and making an appropriation therefor, was removed at the request of Rep. Betty Hall.

**HB 24-FN**, prohibiting departments from mandating by rule programs or responsibilities to political subdivisions without full funding, was removed at the request of Rep. Domini.

**HB 601-FN-A**, establishing a statewide public boat access program on public waters and continually appropriating a special fund for the purposes of the program, was removed at the request of Rep. Dickinson.

**HB 642-FN**, relative to the regulation of cable television, was removed at the request of Rep. Ferguson.

**SB 193-FN**, relative to limits on motorboat speeds, was removed at the request of Rep. Shackett.

Consent Calendar adopted.

**HB 781-FN**, relative to extending foster care and establishing a uniform cut-off date for school children. INEXPEDIENT TO LEGISLATE.

Rep. Ellen-Ann Robinson for Children, Youth and Juvenile Justice: The Committee supports part of this bill dealing with child foster care. The foster care portion of the bill has been included in SB 220. Vote 16-0.

**HB 321-FN**, relative to health insurance reform. OUGHT TO PASS WITH AMENDMENT.

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: The bill provides the legislative framework to control health insurance rates to employers with one to 50 employees. It defines rate caps and provides for oversight by the Insurance Department through rate filing. Vote 18-0.

4071L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to small employer insurance.

Amend the bill by replacing all after the enacting clause with the following:

#### 1 Purpose and Intent.

I. The legislature finds that a significant number of New Hampshire residents do not have health insurance because they or their employers or both cannot afford to pay the premiums or because they are denied insurance due to their current or past medical history or condition or their occupation.

II. Approximately 3/4 of the uninsured Americans are workers and their dependents. Many of the uninsured work for small firms or are self-employed.

III. These small employers are facing increased barriers to obtain or retain affordable coverage for their employees.

IV. The legislature believes that wherever possible private initiatives should be used to provide access to health insurance and that it is the legislature's responsibility to create the statutory and regulatory environment to enable this to work.

2 New Chapter; Small Employer Insurance. Amend RSA by inserting after chapter 420-D the following new chapter:

#### CHAPTER 420-E SMALL EMPLOYER INSURANCE

420-E:1 Definitions. In this chapter

I. "Actuarial certification" means a written statement by a member of the American Academy of Actuaries that a small employer insurer is in compliance with the provisions of this chapter, based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods utilized by the insurer in establishing premium rates for applicable health insurance plans.

II. "Base premium rate" means, as to a rating period, the lowest premium rate charged or which could have been charged under a rating system by the small employer insurer to small employers with similar case characteristics for health insurance plans with the same or similar coverage.

III. "Case characteristics" mean demographic or other relevant characteristics of a small employer, as determined by a small employer insurer, which are considered by the insurer in the determination of premium rates for the small employer. Claim experience, health status and duration of coverage since issue are not case characteristics for the purposes of this chapter.

IV. "Commissioner" means the commissioner of insurance.

V. "Department" means the department of insurance.

VI. "Health insurance plan" or "plan" means any hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance organization subscriber contract. Health insurance plan does not include accident-only, credit, dental or disability income insurance; coverage issued as a supplement to liability insurance; worker's compensation or similar insurance; or automobile medical-payment insurance.

VII. "Index rate" means the arithmetic average of the applicable base premium rate and the corresponding highest premium rate for small employers with similar case characteristics.

VIII. "Insurer" means any person who provides health insurance in this state. For the purposes of this chapter, insurer includes a licensed insurance company, a prepaid hospital or medical service plan, a health maintenance organization, a multiple employer welfare arrangement or any other person providing a plan of health insurance subject to state insurance regulation.

IX. "New business premium rate" means, as to a rating period, the premium rate charged or offered by the small employer insurer to small employers with similar case characteristics for newly issued health insurance plans with the same or similar coverage.

X. "Rating period" means the calendar period for which premium rates established by a small employer insurer are assumed to be in effect, as determined by the small employer insurer.

XI. "Small employer" means a business or organization with between 1 and 50 employees inclusive.

XII. "Small employer insurer" means any insurer which offers health insurance plans covering the employees of a small employer.

420-E:2 Health Insurance Plans Subject to this Chapter.

I. Except as provided in paragraph II, the provisions of this chapter apply to any health insurance plan which provides coverage to one or more employees of a small employer.

II. The provisions of this chapter shall not apply to individual health insurance policies which are subject to policy form and premium rate approval.

420-E:3 Restrictions Relating to Premium Rates.

I. Premium rates for health insurance plans subject to this chapter shall be subject to the following provisions:

(a) The premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates which could be charged to such employers under the rating system, shall not vary from the index rate by more than 30 percent of the index rate.

(b) The percentage increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

(1) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. If the small employer insurer is not issuing new policies, the insurer shall use the percentage change in the base premium rate.

(2) An adjustment, not to exceed 15 percent annually and adjusted pro rata for rating periods of less than one year, due to the claim experience, health status or duration of coverage of the employees or dependents of the small employer as determined from the insurer's rate manual.

(3) Any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the insurer's rate manual.

(c) In the case of health insurance plans issued prior to January 1, 1993, a premium rate for a rating period may exceed the ranges described in paragraphs I and II until January 1, 1998. In such case, the percentage increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

(1) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. If the small employer insurer is not issuing new policies, the insurer shall use the percentage change in the base premium rate.

(2) Any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the insurer's rate manual.

II. Nothing in this section is intended to affect the use by a small employer insurer of legitimate rating factors other than claim experience, health status or duration of coverage in the determination of premium rates. Small employer insurers shall apply rating factors, including case characteristics, consistently with respect to all small employers.

420-E:4 Provisions on Renewability of Coverage.

I. Except as provided in paragraph II, a health insurance plan subject to this chapter shall be renewable to all eligible employee and dependents at the option of the small employer, except for the following reasons.

(a) Nonpayment of required premiums.



(b) Fraud or misrepresentation of the small employer, or with respect to coverage of an insured individual, fraud or misrepresentation by the insured individual or such individual's representative.

(c) Noncompliance with plan provisions.

(d) The number of individuals covered under the plan is less than the number or percentage of eligible individuals required by percentage requirements under the plan.

(e) The small employer is no longer actively engaged in the business in which it was engaged on the effective date of the plan.

II. A small employer insurer may cease to renew all plans issued to small employers. The insurer shall provide notice to all affected health insurance plans and to the commissioner in each state in which an affected insured individual is known to reside at least 90 days prior to termination of coverage. An insurer which exercises its right to cease to renew all small employer plans shall not offer health insurance plans to small employers for a period of 5 years after the nonrenewal of the plans without prior approval of the commissioner.

420-E:5 Disclosure of Rating Practices and Renewability Provisions. Each small employer insurer shall make reasonable disclosure in solicitation and sales materials provided to small employers of the following:

I. The extent to which premium rates for a specific small employer are established or adjusted due to the claim experience, health status or duration of coverage of the employees or dependents of the small employer.

II. The provisions concerning the insurer's right to change premium rates and the factors, including case characteristics, which affect changes in premium rates.

III. The provisions relating to renewability of coverage.

420-E:6 Maintenance of Records.

I. Each small employer insurer shall maintain at its principal place of business a complete and detailed description of its rating practices and renewal underwriting practices, including information and documentation which demonstrate that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

II. Each small employer insurer shall file each March 1, with the commissioner, an actuarial certification stating that the insurer is in compliance with this section and that the rating methods of the insurer are actuarially sound. Health maintenance organizations shall file such information as required by the commissioner. A copy of such certification shall be retained by the insurer at its principal place of business.

III. A small employer insurer shall make the information and documentation described in paragraph I available to the commissioner upon request. The information shall be considered proprietary and trade secret information and shall not be subject to disclosure by the commissioner to persons outside of the department except as agreed to by the insurer or as ordered by a court of competent jurisdiction.

420-E:7 Filing of Rates. No policy or contract of insurance or any certificate under such policy or contract shall be issued under this chapter until the premium rates have been filed with the insurance commissioner nor until the expiration of 30 days thereafter unless the commissioner shall sooner give his written approval thereof.

420-E:8 Discretion of the Commissioner. The commissioner may suspend all or any part of RSA 420-E:3 as to the premium rates applicable to one or more small employers for one or more rating periods upon a filing by the small employer insurer

and a finding by the commissioner that either the suspension is reasonable in light of the financial condition of the insurer or that the suspension would enhance the efficiency and fairness of the marketplace for small employer health insurance.

420-E:9 Rulemaking. The commissioner shall adopt rules, under RSA 541-A, necessary to the proper administration of this chapter.

420-E:10 Applicability. This chapter shall apply to each health insurance plan for a small employer that is delivered, issued for delivery, renewed, or continued in this state on or after January 1, 1993. The date a plan is continued shall be the first rating period which begins after January 1, 1993.

3 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill regulates health insurance costs to small employers and their employees by placing certain restrictions on premium rates chargeable to small employers.

**HB 411**, relative to discrimination in the issuance of health insurance policies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: The bill, as amended, has three sections. The first requires insurers to take all employees and dependents of an employer regardless of health status or condition (ban "cherry picking" by insurers) and requires an open enrollment period. The second changes the 39-week extension for health insurance after leaving employment to the federal limits of 18, 29 or 36 months; and changes the \$3 administrative fee to two percent of the monthly premium and incorporates changes requested by the Insurance Department. The third change requires insurers to spread the cost of pregnancy and childbirth across the entire rate base. Vote 18-0.

4091L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to discrimination in the issuance of health insurance policies and relative to access to group plans.

Amend the bill by replacing all after the enacting clause with the following:

1 Non-Discrimination in Policy Insurance. Amend RSA 415:15 to read as follows:  
415:15 Discrimination.

*I. Discrimination between individuals of the same class in the amount of premiums or rates charged for any policy of insurance covered by this chapter, or in the benefits payable thereon, or in any of the terms or conditions of such policy, or in any other manner whatever, is prohibited.*

*II. No insurer shall, when issuing or renewing a policy or contract of insurance or any certificate under such policy or contract covered by this chapter, deny coverage or limit coverage to any resident of this state on the basis of health risk or condition except that a waiting period consistent with insurance department rules may be imposed for pre-existing medical conditions. If an insurer accepts an application for group coverage, such acceptance shall be subject to the following:*

*(a) If the group has coverage in effect through another plan, the insurer shall accept all persons covered under the existing plan. If the group does not have coverage in effect through another plan, the insurer shall accept all persons for which the group seeks coverage.*

*(b) Once a group policy has been issued, any person becoming eligible for coverage shall become covered by enrolling within 31 days after first becoming eligible. Any person so enrolling shall not be required to submit evidence of insurability based on medical conditions. If a person does not enroll at this time, he is a late enrollee.*

*(c) Once a group policy has been issued, the insurer shall provide the group with an annual open enrollment period for late enrollees. During the open enrollment period, any late enrollee shall be permitted to enroll without submitting any evidence of insurability based on medical conditions.*

*III. No insurer shall discriminate on the basis of gender in the determination of rates or the assignment of costs associated with maternity care and childbirth.*

2 New Paragraphs; Non-Discrimination in Group or Blanket Policy Issuance. Amend RSA 415:18 by inserting after paragraph XI the following new paragraphs:

XII. No insurer shall, when issuing or renewing a policy or contract of insurance or any certificate under such policy or contract covered by this chapter, deny coverage or limit coverage to any resident of this state on the basis of health risk or condition except that a waiting period consistent with insurance department rules may be imposed for pre-existing medical conditions. If an insurer accepts an application for group coverage, such acceptance shall be subject to the following:

(a) If the group has coverage in effect through another plan, the insurer shall accept all persons covered under the existing plan. If the group does not have coverage in effect through another plan, the insurer shall accept all persons for which the group seeks coverage.

(b) Once a group policy has been issued, any person becoming eligible for coverage shall become covered by enrolling within 31 days after first becoming eligible. Any person so enrolling shall not be required to submit evidence of insurability based on medical conditions. If a person does not enroll at this time, he is a late enrollee.

(c) Once a group policy has been issued, the insurer shall provide the group with an annual open enrollment period for late enrollees. During the open enrollment period, any late enrollee shall be permitted to enroll without submitting any evidence of insurability based on medical conditions.

XIII. No insurer shall discriminate on the basis of gender in the determination of rates or the assignment of costs associated with maternity care and childbirth.

3 New Paragraphs; Non-Discrimination by Health Service Corporations. Amend RSA 420-A:7 by inserting after paragraph VII the following new paragraphs:

VIII. No health service corporation shall, when issuing or renewing a policy or contract of insurance or any certificate under such policy or contract covered by this chapter, deny coverage or limit coverage to any resident of this state on the basis of health risk or condition except that a waiting period consistent with insurance department rules may be imposed for pre-existing medical conditions. If a health service corporation accepts an application for group coverage, such acceptance shall be subject to the following:

(a) If the group has coverage in effect through another plan, the health service corporation shall accept all persons covered under the existing plan. If the group does not have coverage in effect through another plan, the health service corporation shall accept all persons for which the group seeks coverage.

(b) Once a group policy has been issued, any person becoming eligible for coverage shall become covered by enrolling within 31 days after first becoming eligi-



ble. Any person so enrolling shall not be required to submit evidence of insurability based on medical conditions. If a person does not enroll at this time, he is a late enrollee.

(c) Once a group policy has been issued, the health service corporation shall provide the group with an annual open enrollment period for late enrollees. During the open enrollment period, any late enrollee shall be permitted to enroll without submitting any evidence of insurability based on medical conditions.

IX. No health service corporation shall discriminate on the basis of gender in the determination of rates or the assignment of costs associated with maternity care and childbirth.

4 New Paragraphs; Non-Discrimination by Health Maintenance Organizations. Amend RSA 420-B:12 by inserting after paragraph IV the following new paragraphs:

V. No health maintenance organization shall, when issuing or renewing a policy or contract of insurance or any certificate under such policy or contract covered by this chapter, deny coverage or limit coverage to any resident of this state on the basis of health risk or condition except that a waiting period consistent with insurance department rules may be imposed for pre-existing medical conditions. If a health maintenance organization accepts an application for group coverage, such acceptance shall be subject to the following:

(a) If the group has coverage in effect through another plan, the health maintenance organization shall accept all persons covered under the existing plan. If the group does not have coverage in effect through another plan, the health maintenance organization shall accept all persons for which the group seeks coverage.

(b) Once a group policy has been issued, any person becoming eligible for coverage shall become covered by enrolling within 31 days after first becoming eligible. Any person so enrolling shall not be required to submit evidence of insurability based on medical conditions. If a person does not enroll at this time, he is a late enrollee.

(c) Once a group policy has been issued, the health maintenance organization shall provide the group with an annual open enrollment period for late enrollees. During the open enrollment period, any late enrollee shall be permitted to enroll without submitting any evidence of insurability based on medical conditions.

VI. No health maintenance organization shall discriminate on the basis of gender in the determination of rates or the assignment of costs associated with maternity care and childbirth.

5 New Paragraphs; Non-Discrimination through Preferred Provider Agreements. Amend RSA 420-C:4 by inserting after paragraph VI the following new paragraphs:

VII. No preferred provider shall, when issuing or renewing a policy or contract of insurance or any certificate under such policy or contract covered by this chapter, deny coverage or limit coverage to any resident of this state on the basis of health risk or condition except that a waiting period consistent with insurance department rules may be imposed for pre-existing medical conditions. If a preferred provider accepts an application for group coverage, such acceptance shall be subject to the following:

(a) If the group has coverage in effect through another plan, the preferred provider shall accept all persons covered under the existing plan. If the group does not have coverage in effect through another plan, the preferred provider shall accept all persons for which the group seeks coverage.

(b) Once a group policy has been issued, any person becoming eligible for coverage shall become covered by enrolling within 31 days after first becoming eligi-



ble. Any person so enrolling shall not be required to submit evidence of insurability based on medical conditions. If a person does not enroll at this time, he is a late enrollee.

(c) Once a group policy has been issued, the preferred provider shall provide the group with an annual open enrollment period for late enrollees. During the open enrollment period, any late enrollee shall be permitted to enroll without submitting any evidence of insurability based on medical conditions.

VIII. No preferred provider shall discriminate on the basis of gender in the determination of rates or the assignment of costs associated with maternity care and childbirth.

6 Access to Group Plan Extended. Amend RSA 415:18, VII(g)(1) to read as follows:

(g)(1) Whenever any individual *who has been employed for at least 6 months and* who is a member of any group hospital, surgical, medical insurance plan or health maintenance organization becomes ineligible for continued participation in such plan for any reason including death, *except dismissal for gross misconduct*, the benefits of such plan shall be available at the same group rate to the individual, the surviving spouse and the dependents covered by the group plan, for an extension period of [39 weeks]:

(A) 18 months; or

(B) 29 months in the case of an individual who is determined, under Title II or XVI of the Social Security Act to have been disabled at the time such individual becomes ineligible for continued participation in the plan; or

(C) 36 months in the case of:

(i) the death of the covered employee;

(ii) the divorce or the legal separation of the covered employee from the employee's spouse;

(iii) the covered employee's becoming entitled to benefits under Title XVIII of the Social Security Act; or

(iv) a dependent child ceasing to be a dependent child or until such member, surviving spouse or dependent becomes eligible for benefits under another group plan, whichever occurs first. The individual, surviving spouse or dependent shall elect to continue the participation in the group plan [within 30 days after the member becomes ineligible to participate] *according to rules adopted by the commissioner under RSA 541-A*. The member, surviving spouse or dependent shall be responsible for payment of premiums *which may include an administrative fee not to exceed 2 percent of the monthly premium* to the employer or policyholder throughout the extension period. Upon termination of the extension period, the member, surviving spouse or dependent shall be entitled to exercise any option which is provided in the group plan to elect a converted policy. After timely receipt of the premium payment from the individual or surviving spouse, if the employer fails to make payments to the insurer or hospital or medical service corporation or health maintenance organization, with the result that coverage is terminated, the employer shall be liable for benefits to the same extent as the insurer or hospital or medical service corporation would have been liable if coverage had not been terminated.

7 Notice of the Right to Continue Group Coverage. Amend RSA 415:18, VII(g)(4) to read as follows:

(4) Whenever any group hospital, surgical, medical insurance plan, or health maintenance organization coverage terminates for any reason, *unless such member,*

*surviving spouse or dependent is, at the termination date, enrolled in the group plan pursuant to RSA 415:18, VII(g)(1), the benefits of such plan shall be available at the same group rate to the individual, the surviving spouse, and the dependents covered by the group plan, for an extension period of 39 weeks, or until such member, surviving spouse, or dependent becomes eligible for benefits under another group plan, whichever occurs first. Any such member, surviving spouse or dependent who is enrolled in the group plan pursuant to RSA 415:18, VII(g)(1) upon the termination date shall have the benefits of such plan available to him at the same group rate for an extension period of 39 weeks, or an extension period to the date the extension provided under RSA 514:18(g)(1) would have expired had the plan not been terminated, or until such member, surviving spouse or dependent becomes eligible for benefits under another group plan, whichever occurs first.* Written notice of the right to continue such group coverage shall be given by the insurance company in each master policy, certificate, and group policy. The insurance company shall furnish each employer or group an adequate supply of attachments for each master policy, certificate, or group policy in effect. An individual, surviving spouse, or dependent electing continuation of coverage under this subparagraph shall provide the insurance company written notice of election together with the first monthly premium contribution within 31 days from the date coverage would otherwise terminate. The group rate shall be paid by the individual, surviving spouse, or dependent directly to the insurance company. The premium rate shall be that required for the coverage being continued and shall not exceed the applicable group rate, but a reasonable administrative fee not [exceeding \$3 per month] *to exceed 2 percent of the monthly premium* may be charged to offset billing and payment costs. Upon termination of the extension period, the member, surviving spouse, or dependent shall be entitled to exercise any option which is or was provided in the group plan to elect a converted policy. If a person or member becomes entitled to the 39-week extension period under this subparagraph and if such person or member has not been given notice of the termination of the group plan 31 days from the date of termination of the group coverage, then the person or member shall have an additional period within which to elect the 39-week extension period. This additional period shall expire 15 days after the person or member shall have been given said notice, but in no event shall the additional period extend beyond 6 months after the expiration of the original 31-day period. Written notice presented to the person or member or mailed by the policyholder to the last known address of the person or member as furnished by the policyholder shall constitute the giving of notice for the purpose of this subparagraph. If an additional period is allowed the person or member for election of the 39-week extension period as provided in this subparagraph, and if written notice of election accompanied by the first monthly premium and any monthly premiums which may be overdue, if any, is made after the expiration of the original 31-day period, but within the additional period allowed an employee or member in accordance with this subparagraph, the effective date of the extension period shall be the date of termination from the group. In no event shall a person or member entitled to such extension period be responsible for premiums accrued and unpaid prior to the termination or cancellation of the coverage.

8 Effective Date. This act shall take effect January 1, 1993.

## AMENDED ANALYSIS

This bill prohibits health insurers, health service corporations, health maintenance organizations, and preferred provider plans from denying or limiting coverage on the basis of health risk or condition, except that a waiting period may be required for pre-existing medical conditions. Such entities are also prohibited from discriminating on the basis of gender in determining rates associated with maternity care and childbirth.

This bill extends the time frame within which a person, or that person's surviving spouse or dependent, who has become ineligible to participate in his group health insurance policy due to death or any other reason, except dismissal for gross misconduct, has access to such group policy to a period consistent with COBRA.

**HB 439**, relative to employee cooperative corporations. INEXPEDIENT TO LEGISLATE.

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: Since there was very little interest in this bill and no overwhelming need to create a new type of "co-op"; the Committee felt this legislation is unnecessary at this time. Vote 16-1.

**HB 698-FN**, relative to debt collection agencies and consumer credit reporting agencies. INEXPEDIENT TO LEGISLATE.

Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs: This bill would take away a very important element in a business's decision to extend credit or some other benefit to a consumer. Vote 15-1.

**HB 718-FN**, relative to improving access to health insurance coverage for employees of small and moderate sized businesses. REFER FOR INTERIM STUDY.

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: This bill is being referred for further study since the Subcommittee could not agree on the bill or amendments. The subject matter is needed for all additional legislation in the 1992 session. Vote 18-0.

**HB 744-FN**, relative to restricting all town and district regular business meetings and elections from being held on biennial election day. INEXPEDIENT TO LEGISLATE.

Rep. Carol H. Holden for Constitutional and Statutory Revision: This bill is not needed as the subject matter was dealt with in an amendment to House Bill 532, Chapter 370 in the 1991 Session. Vote 10-0.

**HB 497-FN-A**, relative to an equipment challenge grant program for vocational and technical education programs and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

Rep. Kathleen M. Hoelzel for Education: At the cost of one dollar this bill would create a steering committee to focus on three programs that would benefit vocational education at both the secondary and postsecondary levels. 1. Collaboration between postsecondary, secondary, business and industry, especially in the area of competitive grant awards for more updated equipment. 2. Training and development of educators to build partnerships and work with business and industry to secure funds and resources. 3. Equalize the distribution of funds between secondary and postsecondary vocational institutions. Vote 17-0.

4375L

## Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Intent.

I. The general court finds that the present economic environment has caused industry to reassess its contribution to the education sector. In response to this economic environment and in order to ensure ongoing private sector support, it becomes increasingly important to demonstrate to the business and industry community that the vocational educational system is maximizing its available resources and is internally cohesive. Therefore, it is the intent of this act to address the increase in instructional equipment needs. The program established in this act is meant to provide local districts and the postsecondary technical system with the resources needed to enable their continued development, in order to be more responsible to labor and market needs of employers and to become an integrated participant in the economic development of the state.

II. This act is not intended to supplant local, state or federal tax dollars appropriated for the support of vocational and technical education as delivered by the department of postsecondary technical education, the department of education and the local school districts. The intent is to supplement customary and usual appropriations for vocational and technical education and encourage supplemental support by business and industry within the state.

2 New Subdivision; Equipment Challenge Grant Program Established. Amend RSA 188-F by inserting after section 41 the following new subdivision:

Equipment Challenge Grant Program

188-F:42 Committee Established; Members; Project Director.

I. There is hereby established the governor's equipment challenge grant steering committee consisting of 17 members who shall direct and develop the equipment challenge grant initiative program. The committee members shall consist of the following:

(a) One member of the senate and one alternate, appointed by the president of the senate.

(b) One member of the house of representatives and one alternate, appointed by the speaker of the house.

(c) Each of the following entities may appoint one member to serve on the committee:

(1) The New Hampshire Business and Industry Association.

(2) The New Hampshire Association of Commerce and Industry.

(3) The state board of education.

(4) The board of governors of postsecondary technical education, established in RSA 188-F:3.

(5) The department of education.

(6) The department of postsecondary technical education.

(7) The department of resources and economic development.

(8) The department of employment security.

(9) The New Hampshire Job Training Council, Private Industry Council.

(10) The New Hampshire School Boards Association.

(11) The New Hampshire state council for vocational education.

(12) The New Hampshire Council of Secondary Vocational Directors.

(d) Three members appointed by the governor, representing business and industry, commerce, and organized labor.

II. The committee shall select its chairperson and vice-chairperson and shall adopt bylaws.



III. When funding is available a project director may be hired upon recommendation of the steering committee. Until that time, the state council for vocational education will provide technical assistance and limited resources. Action committees shall be appointed in each of the 3 program areas by the steering committee to give specific advice and direction to the steering committee. Each action committee shall be chaired by a member of the steering committee and shall include at least one additional member of the steering committee, along with representatives of those affected by each program and individuals who have expertise in those areas.

188-F:43 Equipment Challenge Grant Initiative Program. The steering committee shall establish the following 3 programs:

I. A program for a vocational-technical resource collaborative that shall include activities such as:

(a) Development of a model state plan to identify shared program and equipment needs of the secondary and postsecondary systems:

- (1) Within approximate geographic areas;
- (2) Within present training program area needs; and
- (3) For future state-of-the-art technology training.

(b) Support for selected regional centers to develop cooperative plans for the maximum utilization of existing physical space and equipment resources.

(c) Support for the implementation of collaborative resource projects that require technical assistance and specific training.

(d) Support for collaborative resource projects in strengthening linkages with business and industry.

(e) Evaluation of collaborative resource projects and refinement of such projects for replication by other regional centers and postsecondary institutions.

(f) Support for special training and incentive activities for those institutions having difficulty accessing challenge grant funds.

II. A program for educational administrators training initiative that shall include activities such as:

(a) Development of a state plan to train administrators and instructional staff in the skills necessary to enable the economic development of their centers.

(b) Support for workshops and on-site consultation that will address the economic development needs of individual regional centers, high schools with approved vocational programs, and the postsecondary institutions.

(c) Support for administrative training in utilizing and establishing community and regional networks to provide relevant input, technical assistance, and private sector funds for the regional centers, approved vocational training programs, and postsecondary institutions.

(d) Development of an ongoing in-service training plan for administrators to improve their skills and maintain responsiveness to changing labor market needs.

(e) Support for selected regional centers and technical colleges in implementing local plans aimed at training administrators and instructional staff.

(f) Support for special initiatives for those institutions having difficulty accessing challenge grant funds.

III.(a) An instructional equipment needs challenge grant program that shall provide matching challenge grant support to selected regional secondary and postsecondary centers, to be distributed equally, with a 5 percent margin of error, between secondary and postsecondary centers, for new and replacement instructional equipment and for responsive vocational programs that demonstrate and address:

- (1) Local or regional labor market needs.
- (2) Active participation in local or regional economic development plans.
- (3) A high related job placement rate of graduates.
- (4) A high related further education placement rate of graduates.
- (5) Consultation with secondary regional vocational centers and postsecondary institutions within geographic service areas.

(b) The challenge grants under subparagraph III(a) shall require a one to one match from secondary regional vocational centers and postsecondary institutions. The ultimate goal of the initiative is to enhance private sector support and minimize public sector support. No local, state, or federal funds may be used as the match for challenge grants unless specifically designated for such purpose. Private sector grants and donations are to be used for the one to one match. The fair market value of the private sector donations shall be determined by the steering committee.

188-F:44 Application. The programs established in this subdivision shall be available to both secondary vocational educational programs and to postsecondary technical institutions.

188-F:45 Report. At the conclusion of each biennium, the steering committee shall submit a report on the accountability of the program to the commissioner of the postsecondary technical education, the commissioner of education, the governor, president of the senate, and the speaker of the house no later than October 1, of each subsequent biennial period.

188-F:46 Administrative Attachment. The steering committee shall be administratively attached to the department of postsecondary technical education.

188-F:47 Rulemaking. The commissioner of postsecondary technical education, after consultation with the steering committee established in RSA 188-F:42, shall adopt rules, pursuant to RSA 541-A, relative to:

I. Guidelines for the awarding of grants under this subdivision.

II. Other matters related to the administration of this subdivision.

3 Appropriation. The sum of \$1 is hereby appropriated for the biennium ending June 30, 1993, to the department of postsecondary technical education for the purposes of this act. Such funds shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill creates a steering committee which shall be responsible for directing and developing an equipment challenge grant program for vocational and technical education programs.

The committee shall focus on establishing the following 3 programs: a program for a vocational-technical resource collaborative, a program for educational administrators training initiative, and an instructional equipment needs challenge grant program.

The steering committee shall submit a report no later than October 1, of each subsequent biennium. The report shall include the committee's progress in the establishment of the 3 programs outlined and recommendations for their continued development.

The bill makes an appropriation to the committee for the purposes of the program. Referred to Appropriations.

**SB 18-FN-A**, relative to the conservation corps program and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia M. Skinner for Education: Senate Bill 18 was re-referred to Education because of its impact. The Committee had a full hearing on this measure dealing with the conservation corps program with an appropriation of \$100,000 for the program, for the purpose of matching funds for federal grants, to be handled within the Department of Resources and Economic Development.

The program is an excellent one, dealing with youths, many of whom are potential dropouts. The funding for this program, in the past, has come from the Division of Parks and Recreation. However, due to severe cuts in the budget, it was not able to be funded.

The program was established in 1988 and was created in order to help New Hampshire youths in summer employment — developing hiking trails, conservation projects, and resource management. The program has assisted many young people who, in order to perform successfully in school, require vocational and educational assistance. Funds have been from federal, state and local governments, as well as from foundations and other outside donations.

The Committee feels that this measure is Inexpedient to Legislate by a vote of 18-0 and a bit premature in asking for limited state funds at this time with a new federal act in place. This excellent program will be considered and funded under the National Community Service act of 1990, P.L. 101-610. The federal regulations have not been developed as yet, but a Community Service Learning Advisory Committee has been meeting in New Hampshire. The Governor has designated the New Hampshire Private Industry Council as the lead agency for this project.

**HB 164-FN**, establishing an unclassified attorney position within the department of corrections. **INEXPEDIENT TO LEGISLATE.**

Rep. William F. Kidder for Executive Departments and Administration: No action required on this bill. It has been properly taken care of by Department of Personnel. Vote 14-0.

**HB 326-FN**, relative to disciplinary hearings before the pharmacy board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George E. Letourneau for Executive Departments and Administration: An amendment was offered by the Subcommittee deleting the words “or any other qualified person appointed by the board” under section 12-I. This amendment assures that only a member of the board may preside at adjudicatory hearings. The Pharmacy Board had no objection to this amendment. Vote 14-0.

3797L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Neglect to Renew. RSA 318:26 is repealed and reenacted to read as follows:

318:26 Neglect to Renew. Any failure, neglect or refusal on the part of any person licensed by the board to renew his license as provided in RSA 318:25 shall cause the license to lapse. Licenses lapsed under this section shall not be restored except upon payment of a restoration fee as established by the board, and a showing of evidence, as the board may require, demonstrating professional competence.

2 Disciplinary Action. Amend RSA 318:29, I to read as follows:

I. The board may undertake disciplinary [proceedings] *action against any licensee, permittee or certificate holder:*

(a) Upon its own initiative; or

(b) Upon written complaint of any person which [charges] *alleges* that a [person licensed by the board] *licensee, permittee, or certificate holder* has committed misconduct under paragraph II or V of this section or any other applicable provision or this chapter of RSA 318-B, and which specifies the grounds therefor.

3 Disciplinary Action. Amend RSA 318:29, II(c) to read as follows:

(c) Any *dishonest or* unprofessional conduct, or [dishonorable] *gross or repeated negligent* conduct [unworthy of, and affecting] in the practice of[, the profession] *pharmacy or in performing activities ancillary to the practice of pharmacy or any particular aspect or specialty thereof;*

4 Disciplinary Action. RSA 318:29, II(d) is repealed and reenacted to read as follows:

(d) Behavior which demonstrates a clear conflict with the basic knowledge and competence expected of licensed pharmacists or any particular aspect or speciality of the practice of pharmacy, or any intentional act which demonstrates a clear inconsistency with the health and safety of persons making use of the professional services of any person licensed under this chapter.

5 Disciplinary Action Amend RSA 318:29, II(f) and (g) to read as follows:

(f) Mental or physical incompetency to practice under this chapter; *or*

(g) Willful or repeated violation of [the provisions] *any provision* of this chapter, any *substantive* rule [adopted under this chapter] *of the board*, or any other federal, state, or local drug or pharmacy-related law, rule, or regulation[; or].

6 Length of Disciplinary Period Deleted. Amend RSA 318:29, IV(b) to read as follows:

(b) By suspension, limitation or restriction of *a license or probation* for [a] *any* period of [up to 5 years] *time deemed reasonable by the board*,

7 Administrative Fine. RSA 318:29, IV(d) is repealed and reenacted to read as follows:

(d) By assessing administrative fines in amounts established by the board;

8 Medical Treatment Required. Amend RSA 318:29, IV(e) to read as follows:

(e) By requiring the person to participate in a program of continuing education in the area or areas in which he has been found deficient[.]; *or*

(f) *By requiring the licensee to submit to the care, observation or treatment of a physician, counseling service, health care facility, professional assistance program, or any comparable person or facility approved by the board.*

9 New Sections; Reciprocal Discipline; Immunity from Civil Action. Amend RSA 318 by inserting after section 29-a the following new sections:

318:29-b Denial or Revocation of License.

I. Upon receipt of an administratively final order from the licensing authority of another jurisdiction which imposes disciplinary sanctions against a licensee, permittee, or certificate holder of the board, or a person applying for a license, permit, or certificate, the board may issue an order directing the licensee, permittee or applicant to appear and show cause why similar disciplinary sanctions or, in the case of an applicant, license denial or restriction, should not be imposed in the state. In any such proceeding, the decision of the foreign licensing authority may not be collaterally attacked, but the licensee, permittee, or applicant shall be given the opportunity to demonstrate why a lesser sanction should be imposed.

II. The board may issue any disciplinary sanction or take any action with regard to any pending application pursuant to this section otherwise permitted by this chap-



ter, including sanctions or actions which are more stringent than those imposed by the foreign jurisdiction.

III. The board may adopt summary procedures for handling proceedings brought under this chapter, but shall furnish the respondent at least 10 days' written notice and a reasonable opportunity to be heard. The board may require a licensee, permittee, or certificate holder to suspend practice in this state as a condition of postponing a hearing date established for allegations brought under this section.

318:29-c Immunity from Civil Action. No civil action shall be maintained against the board or any member thereof or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

10 Investigations and Complaints. RSA 318:30 is repealed and reenacted to read as follows:

318:30 Investigatory Powers of the Board; Complaints.

I. The board may investigate possible misconduct by licensees, permittees, certificate holders, applicants, and any other matters governed by the provisions of this chapter and RSA 318-B. Investigations may be conducted with or without the issuance of a board order setting forth the general scope of the investigation. Board investigations and any information obtained by the board pursuant to such investigations shall be exempt from the public disclosure provisions of RSA 91-A, unless such information subsequently becomes the subject of a public disciplinary hearing. However, the board may disclose information obtained in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in accordance with specific statutory requirements or court orders.

II. The board may appoint legal counsel, technical advisors or other investigators to assist with any investigation and with adjudicatory hearings.

III. The board may commence a formal or informal investigation, or an adjudicative hearing, concerning allegations of misconduct and other matters within the scope of this chapter on its own motion whenever it has a reasonable basis for doing so, and the type of procedure chosen shall be a matter reserved to the discretion of the board. Investigations may be conducted on an ex parte basis.

IV.(a) The board may administer oaths or affirmations, preserve testimony, and issue subpoenas for witnesses and for documents during any formal investigation or adjudicatory hearing. The board may also subpoena patient records, as provided in paragraph V, during informal investigations.

(b) Subpoenas not covered by paragraph V shall be served in accordance with the procedures and fee schedules established by the superior court, except that:

(1) Persons licensed by the board shall not be entitled to a witness fee or mileage expenses for travel within the state;

(2) Witness fees and mileage expenses need not be tendered in advance if the subpoena is annotated "Fees Guaranteed by the New Hampshire Board of Pharmacy."

(3) The respondent shall be allowed at least 48 hours' to comply.

V. The board may at any time subpoena medical and pharmacy records from its licensees and from physicians, dentists, veterinarians, hospitals, and other health care providers or facilities licensed by or certified in this state. Such subpoenas shall be

served by certified mail or by personal delivery to the address shown on the licensee's current license, and no witness or other fee shall be required. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this chapter.

VI. Persons holding or applying for licenses or other privileges granted by the board shall keep the board informed of their current business and residence addresses. A licensee shall receive adequate notice of any hearing or other action taken under this chapter if notice is mailed in a timely fashion to the most recent home or business address furnished to the board by the licensee.

VII. Complaints of licensee misconduct shall be in writing and shall be treated as petitions for the commencement of a disciplinary hearing. The board shall fairly investigate all complaints to the extent and in the manner warranted by the allegations. A complaint which fails to state a cause of action may be summarily denied in whole or in part. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board wishes to investigate or hear on its own motion. If investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of the complainant, provided that material facts are not in dispute and the complainant is given an opportunity to comment upon the terms of the proposed settlement.

VIII. At the commencement of an adjudicatory proceeding, or at any time during a formal or informal investigation, and without issuing a subpoena, the board may mail a statement of the issues being investigated or heard to a licensee or other person who is a proper subject of inquiry and require that licensee or other person to provide a detailed and good faith written response to such statement. The board may also require the licensee or other person to furnish complete copies of appropriate office records concerning any patient whose treatment is relevant to the matters at issue. The licensee or other person shall respond to such request within a reasonable time period of not less than 15 days, as the board may specify in its written request.

11 New Section; Temporary Suspension. Amend RSA 318 by inserting after section 30 the following new section:

318:30-a Temporary Suspension Where Imminent Threat. In cases involving imminent danger to life or health, the board may order suspension of a license or privilege granted under this chapter pending hearing for a period of no more than 60 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 315:18, XI and RSA 541-A:16, III. Notwithstanding the requirements of RSA 541-A:15, III, the board's hearing may commence as much as 30 days after the date of the order suspending the license. If the board does not commence the hearing within 30 days the suspension order shall be automatically vacated, but a licensee shall be allowed additional time to prepare for or to complete a hearing under this section only by agreeing to a further suspension commensurate with the additional time extended.

12 Hearings, Decisions and Appeals. RSA 318:31 is repealed and reenacted to read as follows:

318:31 Hearings, Decisions and Appeals.

I. Adjudicatory hearings shall be open public proceedings. Any member of the board may preside at such a hearing and issue oaths or affirmations to witnesses.

II. The board shall furnish the licensee or any other respondent with at least 15 days' written notice of the date, time and place of a hearing, except as otherwise

provided in this chapter. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the complainant shall also receive a copy of the hearing notice and shall be provided with a reasonable opportunity to intervene as a party.

III. Any person appearing at a board hearing or investigation may be represented by legal counsel, but the board shall have no obligation or authority to appoint or provide an attorney to any such person.

IV. The board may at any time dispose of issues or allegations in an adjudicatory hearing, or an investigation, by default, by settlement agreement or consent order, by issuing an order of dismissal for failing to state a proper basis for disciplinary action or by summary judgment order based upon undisputed material facts. In disciplinary hearings, the board may hold prehearing conferences which shall be exempt from the provisions of RSA 91-A, but all final disciplinary actions, including those which occur without holding a public hearing, shall be available to the public.

V. Adjudicatory decisions and final disciplinary actions of the board shall be made by a majority of the board members participating in the decision. Such decisions shall not be made public until they have been reduced to writing, signed by a representative of the board, and served upon the parties.

VI. Decisions of the board may be appealed to the supreme court pursuant to RSA 541. No disciplinary sanction imposed by the board shall be stayed during appeal if the board determines that the public well-being so requires.

13 Repeal. The following are repealed:

I. RSA 318:29, II(h), relative to suspension of a license issued in another jurisdiction.

II. RSA 318:29, III, relative to license suspensions in cases of immediate threat.

14 Effective Date. This act shall take effect July 1, 1992.

**HB 366-FN-A**, establishing an office of information technology management and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. Kathleen W. Ward for Executive Departments and Administration: The content of this bill, dealing with information technology management, was covered in Senate Bill 182 in the 1991 Session. The Committee found no reason to go further than the current law at this time. Vote 15-0.

**HB 446-FN**, relative to the board of registration in medicine. OUGHT TO PASS WITH AMENDMENT.

Rep. Lawrence A. Emerton for Executive Departments and Administration: This bill, as requested by the Board of Registration in Medicine, tightens and modernizes the laws of the medical board. It also standardizes several areas that this committee is doing with many state boards.

The main thrust of this bill is to extend conditional licenses from six months to 12 months on applicants from other states and countries. It codifies the board's authority to conduct formal and informal hearings; it provides certain subpoena authority to the board to conduct investigations on an ex parte (without notice to the affected party) basis.

The bill was amended to specify that board members cannot act as investigators, but may retain investigators, legal counsel or other medical advisors; and that only a board member may preside at its hearings.

It also corrects technical errors in a bill (now Chapter 343, Laws of 1991) regarding psychologists.

In this law the word "or" was incorrectly used in two places when the word "and" should have been used.

By correcting this legislation using the word "and," one of the definitions of the term psychologist is a person who is certified or licensed in another state "and," not "or," is listed in the National Register of Health Service Providers in psychology in RSA 419:5-a, IV (b) and RSA 420:5-a, IV (b). Vote 14-0.

4083L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the board of registration in medicine and  
relative to the definition of psychologist.

Amend the bill by replacing all after section 4 with the following:

5 Disciplinary Action. RSA 329:17, VI(c) is repealed and reenacted to read as follows:

(c) Has displayed a pattern of behavior which is incompatible with the basic knowledge and competence expected of persons licensed to practice medicine or any particular aspect or specialty thereof.

6 Disciplinary Action. Amend RSA 329:17, VI(d) to read as follows:

(d) Has engaged in dishonest[, ] *or* unprofessional [or immoral] conduct [or negligence] *or has been grossly or repeatedly negligent* in practicing medicine [or surgery] *or in performing activities ancillary to the practice of medicine or any particular aspect or specialty thereof or has harmed a patient as a result of performing those activities;*

7 Disciplinary Action. Amend RSA 329:17, VI(i) to read as follows:

(i) Has *willfully or repeatedly* violated [the rules] *any provision of this chapter or any substantive rule* of the board; or

8 Disciplinary Action. Amend RSA 329:17, VII(d) to read as follows:

(d) By requiring the person to submit to the care, [counseling or] treatment, *or observation* of a physician, *counseling service, health care facility, professional assistance program or any combination thereof which is* acceptable to the board;

9 Reciprocal Discipline. RSA 329:17-c is repealed and reenacted to read as follows:

329:17-c Denial or Revocation of License. Upon receipt of an administratively final order from the licensing authority of another jurisdiction which imposes disciplinary sanctions against a licensee of the board, or a person applying for such license, the board may issue an order directing the licensee or applicant to appear and show cause why similar disciplinary sanctions or, in the case of an applicant, license denial or restriction, should not be imposed in the state. In any such proceeding, the decision of the foreign licensing authority may not be collaterally attacked, but the licensee or applicant shall be given the opportunity to demonstrate why a lesser sanction should be imposed. The board may issue any disciplinary sanction or take any action with regard to a license application pursuant to this section otherwise permitted by this chapter, including sanctions or actions which are more stringent than those imposed by the foreign jurisdiction. The board may adopt summary procedures for handling proceedings brought under this chapter, but shall furnish the respondent at least 10



days' written notice and a reasonable opportunity to be heard. The board may require a licensee to suspend practice in this state as a condition of postponing a hearing date established for allegations brought under this section.

10 Investigations and Preliminary Hearings. RSA 329:18 is repealed and reenacted to read as follows:

329:18 Investigations and Preliminary Hearings.

I. The board may investigate possible misconduct by licensees and other matters within the scope of this chapter. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally, without such an order. In either case, board investigations and the information gathered in such investigations shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

II. The board may retain legal counsel, medical advisors or other investigators to assist with any investigation and with adjudicatory hearings. Members of the board are not eligible for retainment.

III. The form taken by an investigation is a matter reserved to the discretion of the board. The board may conduct investigations on an ex parte basis.

IV.(a) The board may administer oaths or affirmations, preserve testimony and issue subpoenas for witnesses and for documents and things only in a formal investigation or an adjudicatory hearing, except that subpoenas for medical records and pharmacy records, as provided in paragraph V, may be issued at any time.

(b) The board may serve a subpoena on any licensee of the board by certified mail, but shall serve a subpoena on any licensee of the board in accordance with the procedures and fee schedules used in superior court.

(c) Any person licensed by the board shall not be entitled to a witness fee or mileage expenses for travel within the state.

(d) Any subpoena related to appearance at a hearing or investigatory proceeding issued by the board shall be annotated "Fees Guaranteed by the New Hampshire Board of Registration in Medicine" in order to be valid.

(e) A minimum of 48 hours' notice shall be given for compliance with a subpoena issued under this chapter.

V. The board may at any time subpoena medical records and pharmacy records from its licensees and from hospitals and other health care providers licensed or certified in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current license or certificate, and shall require no witness or other fee. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

VI. All licensees shall have the duty to notify the board of their current business and residence addresses. A licensee shall receive adequate notice of any hearing or other action taken under this chapter if notice is mailed in a timely fashion to the most recent home or business address furnished to the board by the licensee.

VII. On its own motion or in response to a complaint received by the board, the board may informally mail a copy of a complaint to any licensee who is the subject of the complaint and require the licensee to provide a detailed and good faith written response to the allegations identified by the board. The licensee shall provide com-

plete copies of his office records concerning any patient identified in the complaint. The licensee shall respond to such request within a reasonable time period of not less than 15 days, as the board may specify in its written request.

VIII. Any person may file a written complaint with the board which charges that a person licensed by the board has committed misconduct. The board may hold preliminary hearings to facilitate the informal disposition of complaints which, during the preliminary hearing, are found to be unwarranted or unjustified. The board shall follow the provisions of RSA 541-A:16, V in conducting such hearings. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board wishes to investigate or hear on its own motion. If an investigation of a complaint results in an offer of settlement by the licensee, the board may settle the allegations against the licensee without the consent of a complainant, provided that material facts are not in dispute and the complainant is given an opportunity to comment upon the terms of the proposed settlement.

11 Hearings; Temporary Suspension. Amend RSA 329 by inserting after section 18 the following new sections:

329:18-a Hearings.

I. Any complaint not resolved at or prior to a preliminary hearing shall be heard by the board. Such hearing shall be an open public hearing. Any member of the board shall have the authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

II. The board shall furnish the respondent and the complainant, if any, at least 15 days' written notice of the date, time and place of a hearing, except as otherwise provided in this chapter. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

III. The board may at any time dispose of allegations in a complaint, investigation, or disciplinary hearing by settlement, default, or consent order, by issuing an order of dismissal for failing to state a proper basis for disciplinary action or by summary judgment order based upon undisputed material facts. In disciplinary hearings, the board may hold prehearing conferences which shall be exempt from the provisions of RSA 91-A, but all final disciplinary actions, including those which occur without holding a public hearing, shall be publicly released at the time they are served upon the parties.

IV. Every final disciplinary action and other adjudicatory decisions made final by the board shall be reduced to writing and served upon the parties. Such decisions shall not be public until they are served upon the parties.

V. The board shall have no obligation or authority to appoint or provide an attorney to any person appearing at a board hearing or investigation.

329:18-b Temporary Suspension Where Imminent Threat. In cases involving imminent danger to life or health, the board may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 329:18-a. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

12 Definition of Psychologist; Hospital Service Corporations. Amend RSA 419:5-a, IV(b)(3) to read as follows:

(3) Is certified or licensed in another state [or] **and** is listed in the National Register of Health Service Providers in Psychology.

13 Definition of Psychologist; Medical Service Corporations. Amend RSA 420:5-a, IV(b)(3) to read as follows:

(3) Is certified or licensed in another state [or] **and** is listed in the National Register of Health Service Providers in Psychology.

14 Repeal. The following are repealed.

I. RSA 329:9-a, relative to summons and oath.

II. RSA 329:9-b, relative to witnesses.

III. RSA 329:17, X and XI relative to disposition of complaints during preliminary and regular hearings.

15 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill makes certain technical changes in the law relative to the board of registration in medicine. In addition, the bill extends the conditional licensure period from 6 months to 12 months for applicants from other states and countries.

This bill also clarifies certain procedures followed by the board of registration in medicine and implements certain new procedures for the board. The bill codifies the board's authority to conduct formal or informal investigations and adjudicatory hearings and provides that the information gathered pursuant to an investigation is exempt from RSA 91-A, except to the extent that it later becomes the subject of a public disciplinary hearing. Such information may be disclosed for law enforcement purposes, to health licensing agencies, or in response to specific court orders. Investigations may be conducted by the board in an ex parte manner, that is, without notice to the affected party.

This bill declares that the board may subpoena medical or pharmacy records, as appropriate, at any time and that such subpoenas may be served by certified mail.

This bill makes technical changes in the law relative to the definition of psychologist for hospital and medical service corporations.

**HB 614-FN-A**, relative to restoring the sunset process and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**.

Rep. William P. Boucher for Executive Departments and Administration: The best of House Bill 614 is embodied in Senate Bill 120. Please watch for this (Sunset) bill! Vote 14-0.

**SB 16-FN**, relative to the board of dental examiners. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Lawrence A. Emerton for Executive Departments and Administration: The bill was requested by the Board of Dental Examiners and the Dental Society to "tighten up" and modernize the laws and procedures of this board. Furthermore it standardizes several areas that this Committee is doing with many state boards.

The major changes allow the board to impose administrative fines, delete certain fees, specify types of dental conduct which could result in disciplinary action, provides the board with immunity from civil liability, and sets forth procedures for hearings and investigations.

The Committee specified that board members cannot conduct formal investigations and that only a board member can preside at its hearings. Vote 14-0.

3938L

**Amendment**

Amend RSA 317-A:18, II as inserted by section 6 of the bill by replacing it with the following:

II. The board may retain legal counsel, dental advisors or other investigators to assist with any investigation and with adjudicatory hearings.

Amend RSA 317-A:18-a, I as inserted by section 7 of the bill by replacing it with the following:

I. Any adjudicatory hearing shall be an open public proceeding. Any member of the board may preside at such a hearing and may issue oaths or affirmations to witnesses.

Amend the bill by replacing section 10 with the following:  
10 Effective Date. This act shall take effect July 1, 1992.

**SB 62-FN**, relative to licensure of athletic trainers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sandra K. Dowd for Executive Departments and Administration: This bill was critically reviewed by a Subcommittee and two hearings were held this fall. Although the Subcommittee recognized the ongoing value of this speciality, it was unanimously agreed that certification is not essential at this time.

The amendment, which replaces the original wording of the bill, provides a study vehicle for the Committee to review and make recommendations regarding registration, certification and licensure for this sub-specialty in the medical field. Vote 13-0.

4132L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

requiring the introduction of legislation in the 1993 session relative to athletic trainers and the board of registration in medicine.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislation Relative to Athletic Trainers and the Board of Registration in Medicine. The house executive departments and administration committee shall study, review and make recommendations in the form of legislation to be introduced in the 1993 legislative session, regarding registration, certification and licensure for the profession of athletic trainers. In addition, the committee may study the registration, certification and licensure procedures of any boards under or administratively attached to the board of registration in medicine and may consider the establishment of an allied health care board.

2 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill requires the house executive departments and administration committee to study, review and make recommendations in the form of legislation to be introduced in the 1993 legislative session, regarding registration, certification and licensure for the profession of athletic trainers. In addition, the committee may study the registration, certification and licensure procedures of any boards under or administratively



attached to the board of registration in medicine and may consider the establishment of an allied health care board.

**SB 192-FN-A**, relative to the office of chief medical examiner. **INEXPEDIENT TO LEGISLATE.**

Rep. William F. Kidder for Executive Departments and Administration: Lack of funding dictates that this bill be Inexpedient to Legislate. Vote 14-0.

**HB 474-FN**, prohibiting bear dog training. **RE-REFER TO INTERIM STUDY.**

Rep. William W. Joscelyn for Fish and Game: This bill is needed, but much more work on it also is needed. Vote 17-0.

**HB 261-FN**, relative to delays in processing applications for state public assistance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas G. Cain for Health, Human Services and Elderly Affairs: This bill requires the Division of Human Services to reimburse a town or city for funds expended in general assistance as a result of the Division's lack of compliance to meet the federally mandated time periods for general assistance. Vote 13-0.

3912L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Town or City Reimbursement for General Assistance. Amend RSA 165 by inserting after section 20-b the following new section:

165:20-c Reimbursement from the State of New Hampshire. If any person receiving general assistance from a town or city under the provisions of this chapter, is deemed to be eligible for assistance under the provisions of RSA 167, the division of human services shall reimburse such town or city the amount of assistance provided by the town or city as a result of the division of human services' delays in processing within the federally mandated time periods.

2 Expense of General Assistance; Reference Added. Amend RSA 165:2-a to read as follows:

165:2-a Expense of General Assistance. The financial responsibility for general assistance for assisted persons shall be the responsibility of the town or city in which the person making application resides, except as otherwise provided in RSA 165:1-c and 165:20-c.

3 Effective Date. This act shall take effect July 1, 1993.

### AMENDED ANALYSIS

This bill requires the division of human services to reimburse a town or city, for funds expended in general assistance as a result of the division's lack of compliance to meet the federally mandated time periods for general assistance.

Referred to Appropriations.

**HB 277-FN**, requiring licensure of out-of-state mail order pharmacies. **INEXPEDIENT TO LEGISLATE.**

Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs: House Bill 277 was voted Inexpedient to Legislate by a vote of 12-0. Although some members of the Committee felt that there was merit in the idea, the consensus was that this bill was too cumbersome a mechanism at this time when little evidence of need for such action was presented. Vote 12-0.

**HB 380-FN**, relative to sheltered care facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs: House Bill 380 was unanimously voted Inexpedient to Legislate because the Committee believes that the concerns of the developmentally disabled expressed by House Bill 380 can be addressed in the rulemaking process for House Bill 451, the omnibus bill to license health facilities which passed in the 1991 session. Vote 13-0.

**HB 504-FN**, relative to utilization review programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alice S. Ziegler for Health, Human Services and Elderly Affairs: This bill requires medical utilization review entities to be licensed. The standard for licensure is the Utilization Review Accreditation Commission, a national group, doing utilization review work in many states. By using a national standard, the cost is contained and physician involvement will be minimized. Vote 12-0.

3981L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

requiring licensure of medical utilization review entities.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court hereby finds and declares the purpose of this act is to:

- I. Promote the delivery of quality health care in a cost effective manner.
- II. Foster greater coordination between health care providers, third party payers, and others who conduct utilization review activities.
- III. Protect patients, employers, and health care providers by ensuring that utilization review activities result in informed decisions on the appropriateness of medical care made by those best qualified to be involved in the utilization review process.

2 New Chapter; Licensure of Medical Utilization Review Entities. Amend RSA by inserting after chapter 420-D the following new chapter:

#### CHAPTER 420-E

##### LICENSURE OF MEDICAL UTILIZATION REVIEW ENTITIES

420-E:1 Definitions. In this chapter:

- I. "Commissioner" means the insurance commissioner.
- II. "Department" means the insurance department.
- III. "Health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, hospital or other health care facility, dentist, nurse, optometrist, podiatrist, physical therapist or psychologist, and any officer, employee or agent of such provider acting in the course and scope of his employment or agency related to or supportive of health care services.

IV. "Utilization review" means a system for reviewing the appropriate and efficient allocation of hospital, medical or other health care services given to a patient or group of patients as to necessity, for the purpose of recommending or determining whether such services should be covered or provided by an insurer, nonprofit service organization, third-party administrator or employer. The terms include those programs or processes whether they apply prospectively or retrospectively to medical

services. Utilization review services include, but are not limited to, the following: second opinion programs; prehospital admission certification; preinpatient service eligibility certification; and concurrent hospital review to determine appropriate length of stay.

420-E:2 Licensure Required. Any person, partnership or corporation, other than an insurer, nonprofit service organization, health maintenance organization, preferred provider organization or an employee of those exempt organizations that performs medical utilization review services on behalf of commercial insurers, nonprofit service organizations, third-party administrators or employers, shall apply for a license to be issued by the department and shall pay an application fee and an annual license fee. No person, partnership or corporation, other than an insured, nonprofit service organization, health maintenance organization or the employees of exempt organizations shall perform utilization review services or medical utilization review services unless the person, partnership or corporation has received a license in accordance with this chapter.

420-E:3 Information Required.

I. Each person, partnership or corporation licensed under this chapter shall, at the time of initial licensure and on or before April 1 of each succeeding year, provide the department with the following information:

(a) The process used by the entity to carry out its utilization review services, including the categories of health care personnel that perform utilization review activities and whether or not such individuals are licensed in this state.

(b) The process used by the entity for addressing beneficiary or provider complaints.

(c) The types of utilization review programs offered by the entity, including, but not limited to:

(1) Second opinion programs.

(2) Prehospital admission certification.

(3) Preinpatient service eligibility determination.

(4) Concurrent hospital review to determine appropriate length of stay.

(d) The process used by the entity to preserve beneficiary confidentiality of medical information.

II. The Utilization Review Accreditation Commission shall be the acceptable standard for licensure.

420-E:4 Minimum Standards. The applicant's utilization review program shall meet the following minimum standards:

I. Notification of a determination by the utilization review agent must be provided to the insured or other party designated by the insured within a time period that does not compromise patient health.

II. All licensees shall maintain a procedure by which insureds, patients or providers may seek reconsideration of determinations of the licensee.

III. A representative of the licensee shall be accessible by telephone to insureds, patients and providers.

IV. A licensee shall file with the department a copy of the materials designed to inform applicable patients of the requirements of the utilization plan and the responsibilities and rights of patients under the plan and an acknowledgment that all applicable state and federal laws to protect the confidentiality of individual medical records are followed.

420-E:5 Listing. The commissioner shall compile and maintain a current listing of persons, partnerships or corporations licensed pursuant to this chapter. The list shall be available to the public.

420-E:6 Periodic Reviews. The commissioner or his designee may conduct periodic reviews of the operations of the entities licensed under this chapter to ensure that they continue to meet the minimum standards set in RSA 420-E:4 and any applicable rules adopted by the commissioner. The commissioner may perform periodic telephone audits of licensees to determine if representatives of the licensee are reasonably accessible, as required in RSA 420-E:4, I.

420-E:7 Rulemaking. The commissioner shall adopt rules, under RSA 541-A and after public hearing, relative to:

I. Procedures for application for license under RSA 420-E:2.

II. Initial application fees and annual license fees.

III. The time period for notification of determination as required under RSA 420-E:4, I.

IV. Standards for telephone accessibility as required under RSA 420-E:4, III.

V. Manner for filing and other information for minimum standards as required under RSA 420-E:4.

VI. Manner and content of all forms required under this chapter.

VII. What shall constitute cause to take actions under RSA 420-E:6 and RSA 420-E:8.

VIII. Any other matter necessary for the administration of this chapter.

420-E:8 Enforcement; Administrative Fine; Hearings.

I. The commissioner may take appropriate action against a licensee which fails to meet the standards under this chapter or any rules adopted by the commissioner, or who fails to respond in a timely manner to corrective actions ordered by the commissioner. The commissioner may impose an administrative fine not to exceed \$1,000 for each violation or may deny, suspend or revoke the license.

II. Before taking the actions authorized by this section to deny, suspend or revoke the license, the commissioner shall provide the licensee with reasonable time to supply additional information demonstrating compliance with the requirements of this chapter and the opportunity to request a hearing under RSA 541-A. Rehearings and appeals shall be conducted in accordance with RSA 541.

420-E:9 Rulings on Appropriateness of Medical Judgments Not Authorized. Nothing in this chapter requires or authorizes the commissioner to rule on the appropriateness of medical decisions or judgments rendered by review entities and their agents.

3 Applicability. Persons, partnerships or corporations performing utilization review services on the effective date of this act shall have 90 days from its effective date to submit an application to the commissioner. The commissioner shall act upon those applications within 6 months of the date of receipt of the application, during which time the review entities may continue to perform medical utilization review services.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill requires persons, partnerships and corporations, other than insurers, non-profit service organizations, health maintenance organizations, preferred provider organizations or an employee of such entity, that perform medical utilization review services to obtain a license from the insurance department. The bill establishes cer-



tain standards which the licensee's program must include and authorizes the commissioner of insurance to make periodic reviews to ensure compliance with the law.

The bill grants the commissioner of insurance rulemaking authority to carry out the provisions of this bill.

Referred to Appropriations.

**HB 562**, extending the surgical authority of podiatrists. OUGHT TO PASS WITH AMENDMENT.

Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs: The study committee requested data from each hospital in the state regarding its podiatry privileges, if available. Two-thirds of the hospitals replied. Often the respondent was the head of orthopedics, and in some cases, the chief executive officer. Consultation was secured from the Chairperson of the Board of Examiners for the Practice of Podiatry, two officers of the New Hampshire Podiatry Medical Association, and the Executive Director of the New Hampshire Medical Association. Due to changes in updating RSA Chapter 315 (New Hampshire Board of Registration in Podiatry) which will cite new educational requirements and safeguards for patients, the Committee voted to pass the bill as amended by the study committee. Vote 13-0.

3966L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Surgical Authority Extended. Amend RSA 315:6 to read as follows:

315:6 Scope of Podiatric Practice. Except where disciplinary action has been taken by the board pursuant to RSA 315:9, [any person licensed under this chapter shall be authorized] *the board shall issue the certificate for a licensed podiatrist to whoever satisfactorily passes an examination, and thereupon he shall have legal authority to diagnose and to treat [ailments of the human foot] by [any] medical, mechanical, electrical and surgical means [available, except that any person licensed under this chapter shall not be authorized to perform amputations or] ailments of the human foot and lower leg. Allowable surgical treatment in a health care facility shall be determined by that health care facility credential committee, and such surgical treatment shall be performed at that health care facility. Such certificate shall not authorize the licensee to administer general anesthesia. Licenses shall not be issued for a period exceeding one year and shall be renewed as provided herein.*

2 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill amends existing law to provide that any surgical treatment in a health care facility necessary to treat foot or lower leg problems shall be determined by a health care facility credential committee and performed at the facility. Podiatric licenses shall be good for one year.

**HB 686-FN-A**, establishing a trauma care registry and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs: The need for establishing a trauma care registry was not the question. It was self-evident to the Committee that such a registry would be beneficial in the overall collection of data relating to the broad spectrum of Emergency Medical Services. However, given the fiscal crisis of the state, the Committee found the establishment of a registry at this time to be inappropriate despite the merit of the bill. Vote 13-0.

**HB 712-FN**, relative to access to health care for the uninsured. REFER FOR INTERIM STUDY.

Rep. Mary C. Holmes for Health, Human Services and Elderly Affairs: This is greatly needed legislation, which provides medical access to needy children age six or younger and pregnant women whose income does not exceed 185 percent of the poverty level. However, given our state's economy the Committee does not recommend passage, but wishes to keep this bill alive. Vote 12-0.

**HB 726-FN-A**, relative to vital records and continually appropriating a fund for records automation. OUGHT TO PASS WITH AMENDMENT.

Rep. Thomas C. Cain for Health, Human Services and Elderly Affairs: This bill changes fees charged for certified copies of vital records. A portion of the fee is to remain with the municipality to cover its costs and the balance of such fees is to be placed in a special fund to be used for automation of the vital records system and is continually appropriated to the Division of Public Health Services. Vote 11-0.

3975L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to fees charged for vital records.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Rulemaking Added. Amend RSA 126:3-a by inserting after paragraph VII the following new paragraph:

VIII. The time-frame within which clerks of towns are to submit records as required under RSA 126:10.

2 Rulemaking. Amend RSA 126:10 to read as follows:

126:10 Town Record, etc. The clerk of every town shall keep a chronological record of all births, marriages and deaths reported to him, and shall[, between the sixth and twelfth days of each month,] transmit a copy of such record [for the preceding month, or for any previous months not before reported,] to the [state] registrar *of vital records and health statistics within the time-frames prescribed by rules adopted by the director of the division of public health services.* [He] *The clerks* shall also transmit the names, residences and official stations of all persons who have neglected to make to [him] *them* the returns required by law relating to the subject-matter of such records.

3 Fee Added. Amend RSA 126:13-a, I to read as follows:

I. The registrar of vital records and health statistics shall establish in accordance with rules adopted by the director, division of public health services, a New Hampshire certificate of birth for a person born in a foreign country and for whom a final decree of adoption has been issued by a court of competent jurisdiction in New Hampshire. This certificate of birth shall be *established and registered and a certified copy of such certificate* issued when he receives a request *and a fee of \$25* from the adoptive parents or adopted person over 18 for such a certificate and a report of the adoption as provided in RSA 170-B:18. *Funds paid to the registrar of vital records and health statistics shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 126:31.*

4 Fees Increased. Amend RSA 126:15 to read as follows:

126:15 Fees For Copies and Verifications.

I. A town clerk or the registrar of vital records and health statistics shall be paid in advance, by any person requesting any copy or verification as provided in RSA 126:14, the sum of \$10 for making search, which sum shall include payment for the issuance of such copy or verification, *and \$6 for each subsequent copy*, provided that the fee to town clerks for examination of documents and issuance of a delayed birth certificate shall be [\$4] **\$25**.

II. The town clerk shall forward \$6 of each *search* fee collected under this section to the state treasurer for deposit in the vital records improvement fund established under RSA 126:31[. The town clerk] *and* shall retain the remaining \$4 as his fee for issuing such a copy. *For subsequent copies issued at the same time, the town clerk shall forward \$3 of the fee collected for each subsequent copy under this section to the state treasurer for deposit in the vital records improvement fund established under RSA 126:31, and the town clerk shall retain the remaining \$3 as his fee for issuing such a copy. The town clerk shall retain the \$25 fee for a delayed birth certificate as his fee for examining documents and issuing the delayed birth certificate.*

5 Fee Increased. Amend RSA 126:23-a to read as follows:

126:23-a Correction and Amendment. Any correction or amendment to a record of any birth, marriage or death shall be made by the town clerk according to [regulations prescribed] *rules adopted* by the [registrar of vital records and health statistics] *director of the division of public health services*, and the town clerk shall receive for amending or correcting any record the fee of [\$1] **\$10** to be paid by the person making application for such an amendment or correction [provided that no fee shall be charged for additions or minor corrections to records of birth and death if made within 6 months after the record has been filed]. *The town clerk shall retain the fee collected under this section for making such correction or amendment. Such fee shall be waived if the error was made by the town clerk.*

6 New Section; Decorative Heirloom Certificates. Amend RSA 126 by inserting after section 30 the following new section:

126:30-a Decorative Heirloom Certificates.

I. The registrar of vital records and health statistics shall, upon request and payment of the fee, supply to any applicant having a direct and tangible interest as provided in RSA 126:14, a decorative heirloom certificate of any birth or marriage registered with him.

II. The decorative heirloom certificate shall be of a distinctive design and shall include the seal of the registrar of vital records and health statistics and an original signature. The information on heirloom certificates shall be in accordance with rules adopted by the director of the division of public health services.

III. The fee for each decorative heirloom certificate shall be \$25. The fees collected by the registrar of vital records and health statistics for heirloom certificates shall be forwarded to the state treasurer for deposit into the vital records improvement fund established under RSA 126:31.

7 Rulemaking. Amend RSA 290:3 to read as follows:

290:3 Burial Permits, Obtaining. It shall be the duty of the funeral director to add to the death certificate the date and place of burial, and having signed the same, to [forward] *transmit* it to the clerk of the town *or to the division of public health services*, and *to obtain a permit for burial in accordance with rules adopted by the director, division of public health services under RSA 126:3.* In case of a contagious

or infectious disease the certificate shall be made and [forwarded] *transmitted* immediately.

8 Sub-Registrar and Division Added. Amend RSA 290:3-b to read as follows:

290:3-b Emergency Burial Permit. The local registrar, *sub-registrar, or division of public health services* may issue an emergency burial permit in an emergency as defined by rules adopted by the director, division of public health services, department of health and human services, pursuant to RSA 126:3.

9 Reference Additions. Amend RSA 290:4 to read as follows:

290:4 Duplicates. If the deceased resided in a town within the state other than the town in which the death occurred, the town clerk [issuing the burial permit] *in the town in which the death occurred* shall, within 6 days *of receipt of the death certificate*, forward a duplicate of the record of death to the clerk of the town where the deceased resided, if within the state, who shall record the same; but no return of said duplicate record shall be made to the registrar of vital records and health statistics unless called for.

9 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill requires adoptive parents or an adopted person over 18 to pay a fee of \$25 for a birth certificate for a foreign-born child. The fee is to be deposited into the vital records improvement fund established in RSA 126:31.

The bill increases the fee charged for a delayed birth certificate from \$4 to \$25. The \$25 fee shall be retained by the town clerk as his fee for issuing such certificate.

The bill also increases the fees for amending or correcting vital records and establishes heirloom certificates.

**SB 159-FN**, relative to posting of public documents in licensed health facilities and health care facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs: Requiring additional posting of public documents in health care facilities is redundant and the unanimous opinion of the Committee. The state already mandates that licenses be conspicuously posted. If there are problems with health care facilities and their licensing, there are better ways to deal with them than by the provisions of this bill. Vote 13-0.

**HB 61-FN**, relative to the distribution of moneys received as a result of the commission of a crime. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donnalee M. Lozeau for Judiciary: The original subject matter of this bill referred to as "Son of Sam" is currently pending before the Supreme Court. It was not feasible to deal with that subject matter until the court has handed down its opinion. The Committee found a repeal provision relative to the victims witness assistance program and therefore chose to use this bill as a vehicle to repeal that prospective repeal. The Committee believes that the victims witness assistance program has proved itself worthy of not operating under the cloud of being "temporary." It is a program that has no cost to the general fund. Vote 14-0.

3867L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

repealing the prospective repeal of the victims' assistance fund.



Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. The following are repealed:

I. RSA 21-M:8-h, VI and VII, relative to a report to the fiscal committee on the victims' assistance fund and the lapse of the fund.

II. 1989, 408:82, I, relative to the repeal of the victims' assistance fund.

III. 1989, 408:82, III, relative to the administration of the victims' assistance fund.

IV. 1989, 417:9, relative to the repeal of the victims' assistance fund.

2 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

The bill repeals provisions of law which would terminate the victims' assistance program on July 1, 1994. The bill also repeals a provision requiring the department of justice to submit a report on the victims' assistance fund to the fiscal committee no later than July 1, 1993.

Referred to Appropriations.

**HB 182-FN**, authorizing the interception of wire or oral communications regarding securities crimes. INEXPEDIENT TO LEGISLATE.

Rep. Peter H. Burling for Judiciary: This bill was a so-called "wire tap" bill for the Office of Securities Regulation. The Committee felt that consolidation of the Office of Securities Regulation with the Attorney General's Office obviated any need for this statute. Vote 9-3.

**HB 201**, relative to the authority of the pharmacy board to seize evidence. INEXPEDIENT TO LEGISLATE.

Rep. Peter H. Burling for Judiciary: Upon motion of the Civil Subcommittee, the Committee felt that this statute would represent an inappropriate extension of powers, duties and changes of the members of the Pharmacy Board. The Committee further felt that the proper way to handle the problem of pharmacy investigators is to insure that the Attorney General's Office is properly funded and staffed. Vote 12-0.

**HB 316-FN**, relative to publication of notice requirements in situations in which property escheats to the state. INEXPEDIENT TO LEGISLATE.

Rep. Alf E. Jacobson for Judiciary: The intention of this bill was to save some money for the state by eliminating notice requirements with respect to abandoned property. Since the savings were small in relationship to the fiscal problems of the state in their total frame, the public service these notices provided, outweighs the small savings. Vote 15-0.

**HB 344-FN**, relative to eligibility for admission to the New Hampshire bar. INEXPEDIENT TO LEGISLATE.

Rep. Alf E. Jacobson for Judiciary: This piece of legislation introduced for a single, special purpose has been resolved by the Supreme Court, and therefore is now unnecessary. Vote 13-0.

**HB 503**, relative to recovery of medical assistance payments. OUGHT TO PASS WITH AMENDMENT.

Rep. Peter H. Burling for Judiciary: This bill is designed to make enforcement of the state's lien in certain cases involving support system more efficient. The interests of surviving spouses are fully protected, and the Committee feels this is an appropriate piece of legislation. Vote 10-1.

3910L

**Amendment**

Amend RSA 167:16-a, III as inserted by section 3 of the bill by replacing it with the following:

III. All demands for adjustment or recovery under paragraph II may be filed pursuant to the requirements in RSA 556:6.

Amend the bill by replacing all after section 3 with the following:

4 Clarification of Liability of Estate of Recipient's Spouse. Amend RSA 167:14 to read as follows:

167:14 Claims and Liens. The estate of every recipient, and the estate of a recipient's spouse [residing with said recipient], if any, owned severally or as joint tenants, shall be liable for all assistance granted to the recipient, *provided, however, that the estate of a recipient's spouse shall be liable only for such assistance as was granted to the recipient during the time that the recipient and the recipient's spouse were neither legally separated nor divorced.* All such liens shall continue during the lifetime of the recipient and of the spouse of the recipient, if any, and until enforced as provided in this section, unless sooner released by the director of the division of human services. Within 30 days after the first grant of assistance to a recipient, the director of the division of human services shall file with the register of deeds of the county in which the recipient, or the spouse of the recipient, if any, owns real property, notice of the lien, together with the name of the recipient, and the spouse of the recipient, if any. The register of deeds shall keep a suitable record of such notices without charging any fee therefor and enter on the record an acknowledgment of satisfaction upon written request from the director of the division of human services.

5 Effective Date. This act shall take effect 30 days after its passage.

**HB 534-FN**, amending the habitual offender penalties to provide for special alternative incarceration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donnalee M. Lozeau for Judiciary: This bill, as amended, corrects a horrendous mistake which resulted in serious problems relative to habitual offenders. There is a significant number of people imposed with a mandatory one-year jail sentence for minor infractions, at an average cost to the state of \$55 per day. It seems not only expensive but unjustified. This bill now gives the judge discretion relative to these offenders. Vote 15-0.

3862L

**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Habitual Offender Penalty. Amend RSA 262:23 by inserting after paragraph II the following new paragraph:

III. Notwithstanding paragraph I, any person who qualifies under RSA 259:39, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA Title XXI, shall not be subject to the minimum mandatory provisions of paragraph I; provided, however, that any such person may be sentenced to one year or less. Any person incarcerated upon the effective date of this act, pursuant to certification as an habitual offender under RSA 259:39, who does not have a conviction under RSA 265:82 or any misdemeanor or felony motor vehicle convictions pursuant to RSA Title XXI, may apply immediately to the superior court for sentence review and reduction.

2 Effective Date. This act shall take effect January 1, 1993.

## AMENDED ANALYSIS

This bill exempts a non-DWI habitual offender from the minimum mandatory penalty provisions otherwise applicable to habitual offenders and alternatively provides for a maximum imprisonment penalty of one year.

This bill also allows any person incarcerated and certified as an habitual offender, who has no DWI conviction on convicting for misdemeanor or felony motor vehicle offense under the motor vehicle laws, to seek immediate sentence review and reduction by the superior court.

**HB 554-FN**, permitting the Wolfeboro district court and the Ossipee district court to hold sessions in the same location. **INEXPEDIENT TO LEGISLATE.**

Rep. Alf E. Jacobson for Judiciary: The Committee heard opposing testimony on the merits of this bill from the two towns involved. Furthermore, there is a special committee studying these problems under the supervision of the Supreme Court. Therefore, it seems inadvisable for the General Court to act at this time. Vote 14-0.

**HB 663-FN-A**, establishing a pilot project in the Sullivan county superior court to train volunteer attorneys to serve as mediators and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter H. Burling for Judiciary: This bill spends a penny to save a dime. It appropriates four thousand dollars to help train volunteer attorneys to be marital mediators in Sullivan County Superior Court. It has the potential of saving time and money in the Superior Court budget, and it may prove an important step for improving efficiency in all the Superior Courts. The Fiscal Note calls for state expenditures of \$4,000 in FY '92. Vote 11-0.

3893L

## Amendment

Amend paragraph I of section 2 of the bill by replacing it with the following:

1. There is hereby established a pilot mediation project to be situated in the Sullivan county superior court. The pilot program shall expire on June 30, 1994, unless renewed by the legislature.

Amend the bill by replacing all after section 2 with the following:

3 Report. The clerk of the Sullivan county superior court shall submit a report showing the results and effectiveness of the pilot program in achieving its purpose and how moneys were spent to the speaker of the house, the president of the senate and the governor on or before November 15, 1993.

4 Appropriation. The sum of \$4,000 is hereby appropriated to the Sullivan county superior court for the pilot mediation project established in section 2 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1992.

Referred to Appropriations.

**HB 675-FN**, relative to DWI penalties while operating a motor vehicle, OHRV, or boat or while transporting a child. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard H. Campbell, Jr. for Judiciary: This bill: 1. Revises the law covering DWI and implied consent for off-highway recreational vehicles to make it consistent with the highway motor vehicle laws; 2. Moves the boating-while-intoxicated provisions from the criminal code to the chapter on boats, while reducing simple boating-while-intoxicated infractions from misdemeanor to violation; 3. Provides a one-day

minimum, 30-day maximum sentence for DWI or boating-while-intoxicated while transporting a child. The amendment is a complete rewrite of the original bill and covers the same subject matter. Vote 14-2.

4135L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Reporting Convictions; License Revocation Extended. Amend RSA 265:82-b by inserting after paragraph V the following new paragraphs:

VI. Any conviction under RSA 215-A:11, RSA 265:82 or RSA 265:82-a shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

VII. Any person convicted of a violation of RSA 215-A:11, RSA 265:82 or RSA 265:82-a and who at the time of driving a vehicle or off highway recreational vehicle was transporting a person under the age of 16 shall have his driver's license or privilege to drive revoked for the maximum time period under the section violated and shall be sentenced to not less than one nor more than 30 days.

VIII. If a person has been convicted of any first offense violation of RSA 215-A:11, RSA 265:82, and RSA 265:82-a, any subsequent conviction under any of these sections shall constitute a second offense for the purposes of imposing penalties for second offense violations under RSA 265:82-b.

2 Reference Change. Amend RSA 270:12-a, I(b) to read as follows:

(b) The provisions of RSA [631:5] **270:48-a**, relative to the operation of boats by a person under the influence of intoxicating liquor or a controlled drug or other unlawful operation of boats thereunder and all other crimes and offenses occurring on the public bodies of inland waters of the state;

3 Subdivision Heading. Amend the subdivision heading preceding RSA 270:47 to read as follows:

### *Boating While Intoxicated; Implied Consent for Boaters*

4 Reference Change. Amend RSA 270:46-a, I(f) to read as follows:

(f) RSA [631:5] **270:48-a**, operating boats under the influence of liquor or drugs.

5 New Section; Boating While Intoxicated; Penalties. Amend RSA 270 by inserting after section 48 the following new section:

270:48-a Boating While Intoxicated; Penalties.

I. No person shall operate or attempt to operate a boat while under the influence of intoxicating liquor or a controlled drug.

II. Any person convicted of a violation of

(a) This section; or

(b) RSA 630:2 or 3, or RSA 631:1, 2, **2-a**, or 3 when the offense was committed by means of his operation of a boat shall not operate a boat on the waters of this state for a period of one year from the date of his conviction, whether or not such conviction is appealed. Any person operating a boat during such a period is guilty of a misdemeanor.

III. Any person convicted of a violation of this section who, at the time of the violation was transporting a person under the age of 16, shall be sentenced to not less than one nor more than 30 days.

IV. Upon complaint, information, indictment or trial of any person charged with a violation of this section, the court may admit evidence obtained under RSA 270:49



of the defendant's alcohol concentration as defined in RSA 259:3-b at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine or blood.

V. Any conviction under this section shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

6 Reference Change. Amend RSA 270:51 to read as follows:

270:51 Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of the provisions of RSA [631:5] 270:48-a relative to the operation of boats by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence of the defendant's alcohol concentration at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of 0.10 or more, is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of more than 0.05 and less than 0.10 is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of 0.05 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor.

7 Reference Change. Amend RSA 270:54 to read as follows:

270:54 Effect of Evidence of Alcohol Concentration Test. The provisions of this subdivision do not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of RSA [631:5] 270:48-a was under the influence of intoxicating liquor or controlled drugs.

8 Reference Change. Amend RSA 270:56, I to read as follows:

I. Any person who is arraigned on a charge arising under RSA [631:5] 270:48-a shall file notice in the court, within 10 days immediately following the receipt by said person of the results of any alcohol concentration test administered to him, requiring the attendance of the person who conducted the test. Failure to file notice shall be deemed a waiver to require his attendance at the trial. The official report of the test issued pursuant to RSA 270:49 shall be deemed conclusive evidence of the conduct and result of said test.

9 Reference Change. Amend RSA 270:58 and 270:58-a to read as follows:

270:58 Penalty. Notwithstanding the provisions of title LXII and in addition to any other penalty imposed under RSA [631:5] 270:48-a, any person who violates this subdivision shall be fined not more than \$500.

270:58-a Arrest Without a Warrant. Notwithstanding any other provision of law to the contrary, a peace officer may, without a warrant, arrest any person involved in a boating accident when the officer has probable cause to believe that such person has violated the provisions of RSA [631:5] 270:48-a.

10 Reference Change. Amend RSA 630:3, II to read as follows:

II. A person is guilty of a class A felony when in consequence of his being under the influence of intoxicating liquor or a controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA [631:5, II] 270:48, II, he causes the death of another.

11 Operating an OHRV While Intoxicated or Under Influence of Drugs. RSA 215-A:11 is repealed and reenacted to read as follows:

215-A:11 Operating an OHRV While Intoxicated or Under Influence of Drugs.

I. No person shall drive, operate or attempt to operate an OHRV:

(a) While he is under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drugs; or

(b) While he has an alcohol concentration of 0.10 or more.

(c) A person arrested for a violation of the provisions of this paragraph may be charged with either the offense specified in subparagraph (a) or the offense specified in subparagraph (b) but shall not be charged with both such offenses.

II. A person shall be guilty of aggravated driving while intoxicated if he drives, operates or attempts to operate an OHRV:

(a) While he is under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drug and, at the time alleged:

(1) Is involved in an OHRV accident resulting in serious bodily injury as defined in RSA 625:11, VI; or

(2) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps while still in motion or abandoning the OHRV while being pursued;

(b) While he has an alcohol concentration of 0.10 or more and, at the time alleged:

(1) Is involved in an OHRV accident resulting in serious bodily injury as defined in RSA 625:11, VI; or

(2) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps while still in motion or abandoning the OHRV while being pursued;

(c) While he has an alcohol concentration of 0.20 or more.

III. Upon complaint, information, indictment or trial of any person charged with a violation of this section, the court may admit evidence obtained under RSA 215-A:11-a of the amount of drugs in the defendant's blood or the defendant's alcohol concentration as defined in RSA 259:3-b at the time alleged, as shown by chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine or blood.

IV.(a) Any person who is convicted of a violation of paragraph I shall be subject to the same penalties as a person convicted of a violation of RSA 265:82 as specified in RSA 265:82-b.

(b) Any person who is convicted of a violation of paragraph II shall be subject to the same penalties as a person convicted of a violation of RSA 265:82-a as specified in RSA 265:82-b.

12 Implied Consent of OHRV Operator. RSA 215-A:11-a is repealed and reenacted to read as follows:

215-A:11-a Implied Consent of Operator of OHRV to Submit to Testing to Determine Alcohol Concentration. Any person who drives, operates or attempts to operate an OHRV in this state shall be deemed to have given consent to a chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath for the purpose of determining the controlled drug content of his blood or his alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving, operating, attempting to operate or in actual physical control of an OHRV while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.10 or more. The test or tests shall be administered at the

direction of a peace officer having reasonable grounds to believe the person to have been driving, operating, attempting to operate or in actual physical control of an OHRV in this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.10 or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.

13 Refusal of Consent. RSA 215-A:11-b is repealed and reenacted to read as follows:

215-A:11-b Refusal of Consent.

I. If a person under arrest refuses upon the request of any law enforcement officer to submit to a chemical test designated by the officer as provided in RSA 215-A:11-a, such person shall be subject to the same penalties described in RSA 265:92.

II. The law enforcement officer shall conform to the requirements of RSA 265:92, II provided, however, that the law enforcement officer shall have reasonable grounds to believe the arrested person had been driving, operating, attempting to operate or was in actual physical control of an OHRV while under the influence of intoxicating liquor or controlled drugs or while the arrested person had an alcohol concentration of 0.10 or more.

14 Evidence. Amend RSA 215-A:11-c to read as follows:

215-A:11-c Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of the provisions of RSA 215-A relative to the operation of off highway recreational vehicles by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence [of the defendant's alcohol concentration at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of 0.10 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than 0.05 and less than 0.10 is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of 0.05 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor] *in the same manner as permitted by RSA 265:89.*

15 Administration of Blood Alcohol Concentration Tests. RSA 215-A:11-d is repealed and reenacted to read as follows:

215-A:11-d Administration of Blood Alcohol Concentration Tests. Alcohol concentration tests performed as authorized in this section shall be conducted pursuant to the requirements of RSA 265:85.

16 Additional Tests. RSA 215-A:11-e is repealed and reenacted to read as follows:

215-A:11-e Additional Tests. The provisions of RSA 265:86 shall apply to any person to whom RSA 215-A:11-a is applicable.

17 Effect of Evidence of Alcohol Concentration Test. Amend RSA 215-A:11-f to read as follows:

215-A:11-f Effect of Evidence of Test for Alcohol Concentration. The provisions of [this chapter] *RSA 215-A:II - RSA 215-A:II-p* shall not limit the introduction of any

other competent evidence bearing on the question of whether a person charged with the violation of RSA 215-A:11 was under the influence of intoxicating liquor or controlled drugs.

18 Reference Change. Amend RSA 215-A:11-g to read as follows:

215-A:11-g Evidence of Refusal to Take Test for Alcohol Concentration. If a person refuses to submit to a test as provided in RSA 215-A:11-a[, III], such refusal may be admissible into evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by that person while operating or attempting to operate an OHRV while under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor or controlled drug.

19 Official Record of Tests. RSA 215-A:11-h is repealed and reenacted to read as follows:

215-A:11-h Official Record of Tests. The provisions of RSA 265:90 shall govern the official record of tests conducted pursuant to this section.

20 Preliminary Breath Tests. RSA 215-A:11-i is repealed and reenacted to read as follows:

215-A:11-i Preliminary Breath Tests. The provisions of RSA 265:92-a shall govern preliminary breath tests conducted pursuant to RSA 215-A:11.

21 New Sections; Annulment; Plea Bargain; Payment of Fines; Arrest Without a Warrant; Blood Testing; Incapacity to Give Consent; Prerequisites to Testing. Amend RSA 215-A by inserting after section 11-j the following new sections:

215-A:11-k Annulment; Plea Bargaining. The provisions of RSA 265:82-c relative to annulment and plea bargaining shall apply to any person arrested for a violation of RSA 215-A:11.

215-A:11-l Payment of All Obligations Prior to Restoration. The provisions of RSA 265:82-d, relative to payment of all obligations prior to restoration, shall apply to any person convicted of a violation of RSA 215-A:11.

215-A:11-m Arrest Without a Warrant. Notwithstanding any other provision of the law to the contrary, a law enforcement officer may, without a warrant, arrest any person involved in an OHRV accident when the officer has probable cause to believe that such person has violated the provisions of RSA 215-A:11, RSA 265:82 or RSA 265:82-a.

215-A:11-n Blood Testing on Certain OHRV Fatalities. The provisions of RSA 265:93, relative to blood testing of certain motor vehicle fatalities, shall be complied with when an OHRV accident results in the death or serious bodily injury to any person.

215-A:11-o Incapacity to Give Consent. Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusing shall be deemed not to have withdrawn the consent provided by RSA 215-A:11-a and the test or tests may be administered. The provisions of RSA 215-A:11-p shall not apply to persons incapable of giving consent as provided for in this section.

215-A:11-p Prerequisites to Tests.

1. Before any test specified in RSA 215-A:11-a is given, the law enforcement officer shall:

(a) Inform the arrested person of his right to have a similar test or tests made by a person of his own choosing;

(b) Afford him an opportunity to request such additional test; and

(c) Inform him of the consequences of his refusal to permit a test at the direction of the law enforcement officer.



II. If the law enforcement officer fails to comply with the provisions of this section, the test shall be inadmissible as evidence in any proceeding before any administrative officer and court of this state.

22 Repeal. The following are repealed:

I. RSA 215-A:11-j, relative to penalties for OHRV operators.

II. RSA 631:5, relative to boating while intoxicated.

23 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill:

(1) Requires any conviction for driving under the influence of alcohol or drugs, for aggravated DWI, or for boating while intoxicated to be reported to the department of safety and thereafter to become a part of a person's motor vehicle record.

(2) Authorizes a minimum one day, maximum 30 day period of incarceration for a violation of DWI or aggravated DWI or boating while intoxicated while transporting a person under the age of 16.

(3) Reduces boating under the influence of alcohol or drugs from a misdemeanor to a violation.

(4) Upon any first offense for driving while under the influence of alcohol or drugs in an OHRV, permits a subsequent offense to constitute a second offense for penalty purposes.

(5) Repeals and reenacts various laws relative to OHRV operation while intoxicated to make those laws consistent with penalties imposed for operating a motor vehicle while intoxicated.

**HB 681-FN**, relative to a private property protection act. INEXPEDIENT TO LEGISLATE.

Rep. Alf E. Jacobson for Judiciary: House Bill 681 would provide compensation to an owner when the value of his property falls below fifty percent due to a zoning law or other ordinance. The intent is to provide a mechanism outside of formal court proceedings to settle such questions of inverse condemnation. As there are presently ways to settle these controversies, the Supreme Court has ruled that these questions would be settled on an individual basis rather than by general rules. The Committee felt that this was too radical a change to initiate without much more extensive study on the impact on zoning if this legislation was to pass. Vote 12-1.

**HB 758-FN**, relative to the right to privacy act. OUGHT TO PASS WITH AMENDMENT.

Rep. Alf E. Jacobson for Judiciary: The bill changes the phrase "credit records" to "financial records" and defines the conditions under which such financial records are to be disclosed. The bill also changes the phrase "credit reporting agency" to "financial institution." The amendment deletes the section that provides for obtaining financial records under a subpoena duces tecum without notice and changes the effective date. Vote 18-0.

3836L

#### Amendment

Amend RSA 359-C:10, IV as inserted by section 11 of the bill by deleting it.

Amend the bill by replacing section 14 with the following:

14 Effective Date. This act shall take effect 60 days after its passage.

**HB 783**, relative to prior DWI convictions. OUGHT TO PASS WITH AMENDMENT.

Rep. Richard H. Campbell, Jr. for Judiciary: This bill revises the provisions on informing the court of prior convictions before sentencing on any DWI conviction, so as to reduce the likelihood of subsequent offenses being sentenced as first offenses. As amended, the bill also authorizes positions in Health and Human Services that are essential to enforcement of the alcohol and drug DWI laws. These positions were fully funded, but not authorized in 1991 legislation. Vote 19-0.

4082L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to motor vehicle records and DWI convictions and establishing new positions within the division of public health services.

Amend the bill by replacing all after the enacting clause with the following:

1 Motor Vehicle Records; Prior DWI Convictions. RSA 265:82-b, IV is repealed and reenacted to read as follows:

IV. Upon conviction under the provisions of RSA 265:82 or 82-a, the prosecutor shall present to the court a certified copy of the defendant's record of convictions of motor vehicle offenses under RSA title XXI and similar offenses in out-of-state jurisdictions which are on record at the New Hampshire division of motor vehicles, or a signed statement that the defendant has no such prior convictions of record within the preceding 7 years. Prior to sentencing the court shall note on the complaint the number of prior convictions for drug or alcohol-related motor vehicle offenses, or the absence of any such prior convictions, as shown on such report or statement.

2 New Positions. The commissioner of the department of health and human services is authorized to hire a laboratory scientist II, a laboratory scientist III, and a secretary-typist II to be located in the division of public health services.

3 Forensic Toxicologist Salary. Amend RSA 94:1-a, I by inserting in group N: forensic toxicologist.

4 Effective Date.

I. Section 1 of this act shall take effect January 1, 1993.

II. The remainder of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill requires the prosecutor, upon a DWI conviction, to provide the trial judge with a copy of the defendant's record of motor vehicle convictions. The court is required to note on the complaint the number of prior DWI convictions of the defendant or the absence of any such prior convictions.

The bill also authorizes the commissioner of the department of health and human services to hire for the division of public health services 2 laboratory scientists and a secretary-typist and creates the position of forensic toxicologist within the division.

Referred to Appropriations.

**HB 337-FN**, relative to drug and alcohol testing in the workplace. INEXPEDIENT TO LEGISLATE.

Rep. Carl R. Johnson for Labor, Industrial and Rehabilitative Services: The Subcommittee found more questions than answers. The Subcommittee felt this bill would

have an overall negative impact on existing testing programs in the workplace. Vote 16-0.

**HB 590-FN**, relative to employee leaves of absence for family and catastrophic medical purposes. INEXPEDIENT TO LEGISLATE.

Rep. David D. Dow for Labor, Industrial and Rehabilitative Services: After having a Subcommittee meet throughout the summer and fall, the Committee recognized the existing need to support New Hampshire workers and their families, but the members realized that this bill would be perceived by employers as another mandate from the state that could make the job of operating a successful business in New Hampshire just that much more difficult. Therefore, the Committee could not recommend its passage. Vote 12-4.

**HB 435-FN**, permitting adjustments in legislative mileage resulting from changes in the price of gasoline. INEXPEDIENT TO LEGISLATE.

Rep. Caroline L. Gross for Legislative Administration: The bill was re-referred to Committee in case a vehicle was needed in our discussion with the Internal Revenue Service regarding legislative mileage. In the event that any change in state law will help the situation, the Committee is confident that any bill to accomplish this will be easily approved by the House Rules Committee for introduction. Vote 14-0.

**HB 654-FN**, establishing an ethics committee to regulate public officials. REFER FOR INTERIM STUDY.

Rep. Rick A. Trombly for Legislative Administration: The Committee recommends this bill be studied further. The ramifications of enacting legislation could be far reaching and intrusive. A careful weighing of how to monitor the conduct of public officials, information and disclosure needed to do monitoring, and what are the appropriate standards for ethical conduct simply requires this bill be sent to Interim Study. Vote 14-0.

**SB 21**, establishing a commission to study and recommend the elimination of state-mandated programs. INEXPEDIENT TO LEGISLATE.

Rep. Ann M. Torr for Legislative Administration: The subject matter was incorporated into HB 603 of the 1991 session and is now law therefore SB 21 is not needed. Vote 14-0.

**HB 360-FN**, relative to calculating income for purposes of elderly property tax exemptions. INEXPEDIENT TO LEGISLATE.

Rep. John A. Middleton for Municipal and County Government: The Committee feels that adequate legislation is already in place to cover exemption over 65. This bill would change the tax base and tax rate and shift the tax burden to other taxpayers in towns that adopt this option in their localities. Vote 15-0.

**HB 449-FN**, to double the net income requirements under the optional adjusted elderly property tax exemption. INEXPEDIENT TO LEGISLATE.

Rep. John Middleton for Municipal and County Government: The Committee feels that any rise in exemption limits that now exist will adversely effect city and town revenues. Either you raise taxes or lay off employees or both to compensate for the lost revenues, which will be borne by other taxpayers. We feel that \$10,000 single and \$12,000 married without loss of Social Security benefits, with a ceiling of \$30,000 assets, excluding residence, is adequate. Vote 15-0.

**HB 540-FN**, to tax certain faculty quarters located at private educational institutions. **INEXPEDIENT TO LEGISLATE**.

Rep. Fredrik Peyron for Municipal and County Government: Per RSA 76:16, the selectmen of a town already have the power of abatement. Further, these problems could and should be worked out at the local level. Vote 17-1.

**HB 623-FN**, relative to contracts negotiated by public employers. **INEXPEDIENT TO LEGISLATE**.

Rep. Richard T. Trelfa for Municipal and County Government: The Committee feels that House Bill 623 commendably approaches the important issues surrounding presentation and approval of labor contracts by legislative bodies. However, in the course of studying House Bill 623 it became apparent that a great many other issues and questions should be considered simultaneously with the labor contract issues highlighted by the Sanborn Decision. Accordingly House Bill 1190 (sponsored by Rep. Salatiello) proposes a study group to address legislative/administrative problems, definitions, procedures, etc. and to recommend appropriate legislation. Vote 15-0.

**HB 697-FN**, relative to compliance with local codes and zoning ordinances and the operation of child day care agencies. **REFER FOR INTERIM STUDY**.

Rep. Karen O. Wadsworth for Municipal and County Government: The recommendation for interim study is the result of several factors. The Committee believes the provision of family home day care is extremely important for the State. Many providers are currently having problems dealing with local zoning regulations. Additionally, new administrative rules adopted over the summer impact this issue. It would like more time to resolve this issue, balancing local regulatory authority with the needs of family home day care providers. Vote 15-0.

**HB 772-FN**, exempting land at aeronautical facilities from taxation. **REFER FOR INTERIM STUDY**.

Rep. Fredrik Peyron for Municipal and County Government: Although the bill, as amended, might solve some airport-related taxation problems, testimony revealed that it would cause others. The many airport-related activities which were established in the years following World War II had a variety of arrangements regarding leases and taxation. Because of the prospective developments at Pease Air Force Base and the Manchester Airport, the Committee, feeling that extreme caution is needed, recommends further study. Vote 17-0.

**HB 379-FN**, relative to advertising devices within highway rights-of-way. **OUGHT TO PASS**.

Rep. Sandra B. Keans for Public Works: This bill affects only those rights-of-way on highways which the state does not own (old colonial roads). This legislation is an attempt to make regulations consistent with federal laws governing advertising materials. U.S. Code Title 23, Section 131 allows signs for 1) Directionals 2) Sale or lease of the property 3) Activities on the property. This legislation also provides that notification (before removal) be given to property owner explaining that the sign is illegally placed. Vote 14-0.



**HB 425**, enabling the state and counties to contract with private entities to manage and operate state and county correctional facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Roland A. Frechette for Public Works: The intent of the sponsor was to provide flexibility to the Commissioner of Corrections and to County Commissioners in contracts for management services. Research by the Committee revealed that this flexibility already exists and the bill is not needed. Vote 14-0.

**SB 60-A**, creating a task force to study the Laconia - I-93 connector highway. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene G. Chandler for Public Works: Senate Bill 60 was re-referred primarily due to the proposed makeup of the task force designed to study a Laconia - I-93 connector highway by using federal demonstration funds. The Department of Transportation and local representatives on the study committee agreed that no such funds would be available in the foreseeable future and establishes a fairly appointed task force to study and make recommendations for improvements utilizing existing highway corridors, and present alignment whenever possible. The task force is made up of mainly local representation from affected communities. Vote 14-0.

3915L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a task force to study the Laconia to Franklin highway problems.

Amend the bill by replacing all after the enacting clause with the following:

#### **1 Committee Established.**

I. There is hereby established a task force to study the Laconia to Franklin highway problems. The task force shall work with the department of transportation, all affected municipalities and any other federal, state and local planning agencies.

II. The task force shall study and make recommendations concerning upgrading, construction, repair and realignment within existing highway corridors, utilizing present alignment as much as and wherever possible.

III. The study committee recommendation, including any recommendation for legislation, shall be in the form of a report to be submitted by November 1, 1992 to the governor, the speaker of the house and the president of the senate.

#### **2 Committee Membership.**

I. The committee members shall be as follows:

(a) Two members of the senate, one of whom shall be from district 4 and one of whom shall be from district 7, appointed by the president of the senate.

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives, each of whom shall be from the geographical area under study, though no more than one member shall be from Laconia.

(c) Six public members, one each from the towns of Tilton, Northfield, Belmont and Sanbornton, appointed by the respective board of selectmen; and one each from the cities of Franklin and Laconia, appointed by the respective mayor and city council.

(d) The chairman of the Lakes Region planning commission.

(e) The commissioner of the department of transportation, or designee.

(f) One public member from the geographical area under study, appointed by the governor and council.

(g) Two non-voting members, one each from the towns of Meredith and Guilford, appointed by the respective boards of selectmen.

II. The committee shall serve without compensation, but legislators shall be entitled to legislative mileage when performing duties in connection with the committee.

3 Duration of Task Force. The task force shall remain in existence for 2 years from the effective date of this act.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a task force to study the Franklin to Laconia highway problems.

**SB 162-A**, relative to rebuilding, modernizing, and maintaining rail properties and making an appropriation for the Conway branch line. INEXPEDIENT TO LEGISLATE.

Rep. Gene G. Chandler for Public Works: Senate Bill 162 dealt with rebuilding and maintaining rail properties for the Conway Branch Line, the principal user of which is Ossipee Aggregates. The sponsor of the bill requested the bill be re-referred in order to continue talks with the owner of the line, Guilford Industries. Since talks were not fruitful the sponsor and Public Works Committee agree the bill should be killed. Vote 13-0.

**HB 297-FN-A**, authorizing the racing commission to license electronic games of chance wherever licensed pari-mutuel wagering takes place. REFER FOR INTERIM STUDY.

Rep. Arthur P. Klemm, Jr. for Regulated Revenues: The Committee felt in view of the many concerns raised at the public hearing and because of the many pieces of gambling legislation it will be asked to consider this session that this bill should be considered as part of the overall picture and should be sent back to the Committee for Interim Study and such action as is deemed necessary. Vote 11-0.

**HB 300-FN**, relative to bingo and lucky 7 license application fees. INEXPEDIENT TO LEGISLATE.

Rep. Lynn C. Horton for Regulated Revenues: Fees were increased for distributors and manufacturers in Senate Bill 189 which passed last year. The small charity organizations cannot afford additional fees at this time. Vote 12-0.

**HB 747-FN**, relative to liquor stores. OUGHT TO PASS WITH AMENDMENT.

Rep. Thomas A. Behrens for Regulated Revenues: The Subcommittee heard additional testimony from the sponsors, the Liquor Commission and the public. Review of this material suggested that privatization of the Liquor Commission is not in the best interest of the state at this time. However, the Subcommittee felt that a review of the state's retail liquor operations should be conducted in the form of a statutory study committee. The Subcommittee in its hearings also identified the uniform pricing policy as a hindrance to maximization of service and profits. This amendment enables the commission to adjust pricing levels between retail outlets to be more competitive. Vote 13-0.

4126L

#### Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

establishing a committee to study ways for retail liquor store operations to maximize state revenues while maintaining adequate service to the community and allowing the liquor commission to vary its liquor prices from store to store.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Price Variations. Amend RSA 176:13 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding any other provision of law, in listing products for sale the commission may vary its pricing from state store to state store in an effort to maximize profitability.

2 Committee Established. There is hereby established a committee to study ways for retail liquor stores to maximize state revenues while maintaining adequate service to the community. The committee shall be composed of the following:

I. Three representatives, appointed by the speaker of the house.

II. Two senators, appointed by the senate president.

III. A representative of the liquor commission, appointed by the commission.

3 Report. The committee shall report its findings and recommendations for legislation to the governor, senate president, and speaker of the house on or before November 1, 1992.

4 Compensation. Members of the committee shall not be compensated, except that legislative members shall receive mileage at the legislative rate.

5 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill allows the liquor commission to vary its prices from store to store in an effort to maximize profitability.

The bill establishes a committee to study ways for retail liquor stores to maximize state revenue while maintaining service to the community.

**HB 55-FN**, establishing the New Hampshire countryside fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert E. Marston for Resources, Recreation and Development: This bill provides a much needed method of monitoring state-acquired easements on undeveloped lands and establishes a program to enhance the protection of all publicly owned undeveloped lands in the state. Vote 15-0.

4081L

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

establishing the New Hampshire countryside trust.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; New Hampshire Countryside Trust. Amend RSA 221-A by inserting after section 13 the following new subdivision:

## New Hampshire Countryside Trust

221-A:14 Definitions. In this subdivision:

I. "Board" means the board of directors of the New Hampshire countryside trust, established in RSA 221-A:17.

II. "Conservation fund" means the fund created in RSA 221-A:16, with public and private moneys.

III. "Developed land" means any land, including highway rights of way, containing a major structure or building, or other land that is contiguous to such land and is used as a campus for the buildings thereon as part of an institution or a governmental subdivision, such as a school, hospital or county complex.

IV. "Easement monitoring fund" means the endowment created in RSA 221-A:15 from the interest earnings of the appropriation made to the land conservation investment program in 1987, 340:1.

V. "Program" means the land conservation investment program established in RSA 221-A:2.

VI. "Undeveloped land" means any other land that does not fall within the definition of developed land in paragraph III.

221-A:15 Easement Monitoring Fund. There is hereby established an easement monitoring fund to protect the investments made by the land conservation investment program. This fund shall be used by the board to:

I. Oversee conservation easements acquired by the program.

II. Oversee the efforts of municipalities to monitor conservation easements on land protected by land conservation investment program municipal grants.

III. Oversee any other conservation easements held by the state of New Hampshire to the extent that funds are available. The fund shall be non-lapsing and shall be held, invested and reinvested by the state treasurer in legal investments allowed under RSA 6:8. The income from such fund shall be available to the board only for the purposes of this paragraph.

221-A:16 Conservation Fund Established. There is hereby established a conservation fund to receive and expend funds received from state, federal or private sources. Expenditures from the fund shall be made by the board to fund grants which are proposed by state land-managing agencies, qualified private organizations or individuals. Qualified grant proposals shall be limited to those which secure protection of, or promote the conservation of New Hampshire landscapes, open space, working farms, productive forests, mountains, lakes, seacoast, rural vistas, village cores, historic cities, and/or public access to and use and enjoyment of the same. The fund shall be non-lapsing and shall be held, invested, and reinvested by the state treasurer in legal investments allowed under RSA 6:8. The principal and interest shall be available to the board for the purposes of this paragraph.

221-A:17 The New Hampshire Countryside Trust Board of Directors Established.

I. There is hereby established the New Hampshire countryside trust board of directors, consisting of 11 members, to oversee the easement monitoring fund and the countryside fund. The board shall consist of the following members, each of whom shall have one vote, with 6 votes constituting a quorum:

(a) A member of the general public nominated by the New Hampshire Municipal Association for appointment by the governor to serve a 3 year term; the first appointee shall serve a one year term only.

(b) A member of a recognized conservation organization, appointed by the governor to serve a 3 year term; the first appointee shall serve a 2 year term only.

(c) A member of the business community, appointed by the governor to serve a 3 year term.

(d) A member of the senate appointed by the senate president.



(e) A member of the house of representatives appointed by the speaker of the house.

(f) The commissioner of agriculture or designee.

(g) The commissioner of the department of resources and economic development or designee.

(h) The state treasurer or designee.

(i) The commissioner of transportation or designee.

(j) The executive director or the department of fish and game or designee.

(k) The director of the office of state planning, who shall serve as chairperson.

II. The functions of the board shall be coordinated with the council on resources and economic development established in RSA 162-C:1.

221-A:18 Duties. The board shall be responsible for all decisions to spend funds which shall be made by a majority vote of the board at a regularly constituted public meeting. In addition, the board shall be responsible for the following:

I. To protect the investments in conservation easements acquired through the program by using interest earnings from the easement monitoring fund to monitor the terms of the conservation easements.

II. To protect the investments made by the program through grants to municipalities which enabled municipalities to invest in land and in interests in land, by using interest earnings from the easement monitoring fund to assure that municipalities are properly monitoring all easements acquired with program funds and are managing all fee interests acquired with program funds in a manner consistent with the intent of the goals of the program and the original application as submitted to the program by the municipality.

III. To protect the state's interest in any other land conservation easements held by the state and acquired by means other than the program. Funds may be provided by the grantor or grantee to supplement the principal of the easement monitoring fund at a level determined adequate by the board to meet the annual monitoring expenses of said easement from interest earned by the principal supplement.

IV. As funds become available, to develop a mission statement and a work plan for the conservation fund, and to solicit funds for the conservation fund to accomplish fund objectives, which shall include, but shall not be limited to:

(a) The preparation of an inventory of all undeveloped state-owned lands and interests in land to assess the following:

(1) The size of, the location of, and the current management objective for each parcel; and,

(2) The possible public uses of each parcel.

(b) The preparation of an atlas of public recreation and/or conservation lands, where land or interests in land are federally-owned, state-owned, county-owned and municipality-owned, for use by the public to identify all such lands and to guide the public use of these lands.

(c) The promotion of educational initiatives which provide municipalities guidance in developing and implementing land use plans and regulations which protect and preserve working landscapes significant to the municipality's heritage.

(d) The acquisition of land or interests in land for the state or for a municipality for permanent protection.

V. To use interest earnings from the easement monitoring fund to contract with private vendors to accomplish its functions.

VI. To make expenditures from the conservation fund to accomplish its functions, in the form of grants, which shall leverage at least 50 percent of the total grant proposal from non-state funds.

221-A:19 Administrative Attachment to Office of State Planning. The board and all of its activities shall be administratively attached to the office of state planning. The board is authorized to hire staff and to contract for services as needed to execute the decisions of the board. No administrative costs related to the execution of the board's decisions shall be paid from the accumulated principal of either the easement monitoring fund or the conservation fund. No cross charges shall be made from one fund to the other, and both funds shall be managed by the board as separate entities with separate purposes.

221-A:20 Source of Income; Donations, Grants, and Gifts.

I. The board is authorized to:

(a) Solicit and accept gifts, contributions, and bequests from individuals, corporations, foundations, trusts, and other organizations.

(b) Accept grants, appropriations and other allocations from state government.

(c) Solicit or accept federal funds.

(d) Acceptance of any of the above shall in no way jeopardize the financial strength of either of the existing funds.

II. Any gifts, grants, contributions, bequests, allocations, or other forms of assistance accepted by the board shall be deposited into the conservation fund or the easement monitoring fund on a vote of at least 6 of the 11 members of the board.

III. Any moneys accepted by the board under this section shall be in addition to and shall not substitute for state appropriations to the easement monitoring fund or to the conservation fund.

2 Transfer. The state treasurer shall transfer \$1,500,000 of the interest earned on the sum appropriated in 1987, 340:5, I to the New Hampshire easement monitoring fund to constitute the principal of such fund. The state treasurer shall transfer any unexpended funds remaining on June 30, 1993, from interest earned on the sum appropriated to the program by 340:5, I to the New Hampshire conservation fund to constitute the initial principal of such fund.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes the New Hampshire countryside trust to protect the investments made by the land conservation investment program.

The trust is administered by a board of directors and establishes two separate funds. One fund shall be known as the easement monitoring fund which shall be constituted from the interest earned on the moneys appropriated to the land conservation investment program in 1987. The other fund shall be known as the conservation fund which shall be constituted from the land conservation investment program interest earnings that are not spent as of June 30, 1993, or by other funds appropriated to the legislature or donated to the fund.

The board shall be responsible for overseeing the terms of the conservation easements, monitoring municipalities' management of the properties purchased with program funds, preparing an inventory of all state owned lands and generating an atlas of public lands.

Referred to Appropriations.

**HB 357-FN**, establishing a fee for administering the state water pollution control revolving loan fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Lewis for Resources, Recreation and Development: After discussing the bill with the Department of Environmental Services, the Committee was informed that a study has been contracted out and the report will not be forthcoming until January 1992. The Department of Environmental Services will propose an entirely new bill in 1993 based on recommendations forthcoming at that time. Vote 15-0.

**HB 714-FN**, relative to life saving identification labels. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Ellen Martin for Resources, Recreation and Development: This bill establishes a cooperative service pilot program under the Department of Safety which enables persons of this state to voluntarily register emergency identification information for the purpose of protection while engaged in recreational activities. Any person may obtain a numbered sticker suitable for wearing, carrying, or affixing to recreational equipment.

Within one year of the effective date of this act, the status of the program shall be reported to the Speaker of the House and the Senate President. This act shall terminate on September 30, 1993, unless shown to be successful and authorized to continue. The program evidences NO COST to the state as it is contingent upon funding generated from the private sector. Vote 13-0.

4088L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to a life saver i.d. program.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. In the interest of public safety, health and welfare, it shall be the duty of the department of safety to implement and oversee a cooperative service effort entitled the life saver i.d. program, which provides for the voluntary registration of emergency identification information by persons of this state who engage in recreational activities which may place the person at risk of injury. The program allows for any person to obtain a numbered sticker, suitable for wearing, carrying or affixing to recreational equipment.

2 Life Saver I.D. Program Established. There is hereby established a life saver i.d. pilot program for the procurement of identification stickers from the department of safety or its agents by persons who engage in recreational activity in this state. The sticker shall contain a number, the state abbreviation, N.H., the words "life saver i.d.," and the words "call local police". The registration forms shall contain name, address, home and work telephone numbers, and one line labeled "other" for optional information the purchaser may choose to provide. The stickers shall be made available at the cost of 3 for \$1, and shall be valid for 5 years from the date of issuance. The department of corrections prison industries shall manufacture or produce the stickers pursuant to RSA 622:26-32.

3 Department of Safety.

I. The department of safety shall prescribe the procedure for the issuance of identification stickers, and the appointment of agents shall be at the discretion of the director or by request of the agent.

II. The department of safety shall implement an information access network, which shall enable emergency and police personnel to retrieve the identification information provided to the department by the voluntary registration process.

III. The department of corrections prison industries shall establish and maintain a database to store all information gathered relative to the issuance of said stickers and shall make the same information available to the department of safety for use pursuant to paragraph II above.

4 Life Saver I.D. Fund. There is hereby established a fund to be known as the life saver i.d. fund into which all fees, gifts, grants and donations made to the department of safety for the purpose of this act shall be deposited. All proceeds from the fund shall be available for use by the department of corrections prison industries to fund the manufacture or production of stickers pursuant to section 2 of this act and by the department of safety to hire any temporary personnel as necessary to carry out its responsibilities under section 3 of this act.

5 Implementation. Nothing in this act shall be construed to require the department of corrections prison industries to manufacture any stickers or to require the department of safety to issue identification stickers, administer an information access network or otherwise implement its responsibilities under section 3 of this act until at least \$5,000 in gifts, grants or donations have been deposited in the life saver i.d. fund established under section 4 of this act.

6 Report and Termination of Program. Within one year of the effective date of this act, the department of safety, in cooperation with the department of corrections prison industries, shall submit a report on the progress of the life saver i.d. program, including an accounting of all moneys in the life saver i.d. fund, to the speaker of the house and the senate president. In the event that the fund does not contain \$5,000 and the program is not implemented, the program shall terminate and any moneys remaining in the fund shall be returned to the private sector donor, unless said donor agrees that the gift, grant or donation should lapse to the department of safety. If the program is implemented, all moneys in the fund in excess of production and administrative costs shall be directed to increase public awareness of this service. If, after one year of the program's operation, the fund does not contain at least \$2,500, which amount is necessary to continue the manufacture of the stickers, the program shall terminate and any moneys remaining in the fund shall lapse to the industries inventory account established in RSA 622:28-a. This act shall terminate on September 30, 1993, unless extended by legislative action.

7 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes the life saver i.d. program for the issuance of stickers for the purpose of emergency identification. The program shall be administered by the department of safety in cooperation with the department of corrections prison industries and the private sector.

Under the direction of the department of safety, the department of corrections prison industries shall manufacture and distribute the stickers and shall retain and make available to the access network all identification information for retrieval by police and emergency personnel.

The bill creates a fund into which all fees, gifts, grants and donations for the program shall be deposited. The fund must contain at least \$5,000 before the program may be implemented under this act. In the event that the fund does not contain \$5,000



and the program is not implemented, the program shall terminate. In the event that the program is implemented and after one year of the program's operation, the fund does not contain at least \$2,500, the program shall terminate and all moneys remaining in the fund shall lapse to the industries inventory account of the department of corrections.

Operation of the program is contingent upon funding generated from the private sector.

**HB 716-FN**, relative to site assessment studies of developed properties with sewage disposal systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald L. Roulston for Resources, Recreation and Development: The open-forum discussion format of the House Bill 716 Subcommittee hearings raised several topics of grave concern to both constituents and the Department of Environmental Services. Responses to four of these issues were "spun-off" as separate Bills for the current session to debate.

But the greater issues were fraught with many ramifications which could not be foreseen in their entirety within the time constraints allotted to the Subcommittee and the dedicated body of participants.

At the close of the final Subcommittee hearing, it was agreed by all participants, Legislators, lobbyists and private citizens alike, that discussions, however fruitful they had been, were far from completed. Hence it was agreed that the forum thus established should continue into the future as a formal study committee to seek solutions to pressing problems presently afflicting all-too-many of our constituents. House Bill 716 is now that gateway to the future, the establishment of the study. Vote 13-0.

4368L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to establishing a committee to study septic-related issues.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is hereby established a committee to study issues related to septic systems. The committee shall consist of the following members who shall be appointed within 30 days of the effective date of this act:

I. One house member from the resources, recreation and development committee, appointed by the speaker of the house.

II. One senator, appointed by the president of the senate.

III. Two representatives from the Granite State Designers and Installers Association, appointed by the association.

IV. Two members from the subsurface bureau of the water supply and pollution control division of the department of environmental services.

V. One public official, appointed by the governor.

VI. One person from the New Hampshire Association of Realtors, appointed by that association.

2 Meetings; Compensation. The house member shall serve as the chair of the committee and call the first meeting within 45 days of the effective date of this act. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate, when attending to the duties of the committee.

3 Duties. The duties of the committee shall include, but not be limited to, the following:

- I. Studying failed systems.
- II. Reviewing inspection procedures.
- III. The use and maintenance of septic systems.
- IV. Review of existing lots of record.

4 Report. The committee shall make a report of its findings, including recommendations for legislation for the 1993 legislative session, to the governor, the senate president and the speaker of the house on or before November 1, 1992.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study septic related issues. The committee shall report its findings, including recommendations for legislation to the governor, the senate president and speaker of the house on or before November 1, 1992.

**HB 296-FN-A**, establishing a state emergency response commission and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K. McRae for Science, Technology and Energy: This action was recommended by the sponsor. An Executive Order will take care of the issue. Vote 10-0.

**HB 501-FN**, relative to electric utility conservation measures. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K. McRae for Science, Technology and Energy: The least cost planning process is already in place. This bill would not substantially enhance that process. Therefore, the Committee voted Inexpedient to Legislate. Vote 11-0.

**SCR 2**, urging the Federal Energy Regulatory Commission to deny a rate increase for Public Service Company of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K. McRae for Science, Technology and Energy: With the New Hampshire Electric Cooperative already in bankruptcy, the need for this resolution is moot at this time. Vote 12-0.

**HB 155**, relative to notice to tenants of manufactured housing park foreclosure. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A. Dowling for State Institutions and Housing: This bill becomes overcomplicated by involving many issues, including banking powers. Though some of the ideas deserve merit, the Committee felt that the language and variety of topics could not be legislated. Vote 11-0.

**HB 557-FN**, relative to the BOCA code. **INEXPEDIENT TO LEGISLATE.**

Rep. John J. Coffey for State Institutions and Housing: The substance of this bill was merged into HB 282-FN which was signed into law by the Governor in June 1991. The sponsor of the bill has recommended the bill be Inexpedient to Legislate. The bill is now known as Chapter 290:3, I. Vote 15-0.

**SB 76**, relative to the age requirement for retirement communities. **INEXPEDIENT TO LEGISLATE.**

Rep. Lowell D. Apple for State Institutions and Housing: This bill, Senate Bill 76, was merged in House Bill 778 and thus is moved to be Inexpedient to Legislate. Vote 11-0.

**SB 107-FN**, relative to tenants' security deposits. OUGHT TO PASS WITH AMENDMENT.

Rep. Scott E. Green for State Institutions and Housing: The Committee felt that this bill was needed and that it Ought to Pass with Amendment. Tenants are at a disadvantage when dealing with landlords. This reduces the disadvantage. Vote 17-0.

4316L

#### Amendment

Amend RSA 540-A:6, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) Security deposits held by a landlord continue to be the money of the tenant and shall be held in [trust] *an escrow account* by the person with whom such deposit is made and shall not be mingled with the personal moneys or become an asset of the landlord until the provisions of RSA 540-A:7 are complied with, but may be disposed of as provided in RSA 540-A:6, III. *Security deposits shall not be subject to the claims of any creditors of the landlord or the landlord's successor in interest, including a foreclosing mortgagee or trustee in bankruptcy.*

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill requires landlords to place security deposits in escrow accounts.

This bill prohibits security deposits held by landlords from being subject to the claim of any creditors of the landlord or the landlord's successor.

The bill also clarifies the procedure of transferring tenants' security deposits to subsequent owners.

**SB 205-FN**, establishing a committee to study the enforcement of RSA 205-A. INEXPEDIENT TO LEGISLATE.

Rep. Lowell D. Apple for State Institutions and Housing: Senate Bill 205 is so close to House Bill 695 that it was determined to vote SB 205 as Inexpedient to Legislate and concentrate on House Bill 695, which was reported Ought to Pass with Amendment on the Regular Calendar. Vote 16-0.

**HB 206**, relative to OHRV noise levels. INEXPEDIENT TO LEGISLATE.

Rep. Sherman A. Packard for Transportation: After many rewrites the Committee felt that this bill did not solve the problems the sponsor tried to address. Vote 13-0.

**HB 518-FN**, relative to motor vehicle and boat registration revocations for court defaults and relative to the payment of court obligations. INEXPEDIENT TO LEGISLATE.

Rep. Andrew Christie, Jr. for Transportation: The Committee reviewed Senate Bill 191 (now chapter 347, effective 7/1/91) which allows the revocation of plates and registrations for defaults of motor vehicle offenses. The only addition that this bill makes was the revocation of boat plates and registration for court defaults. The Committee felt that adding these boat plate and registration revocations was unmanageable and so did the Department of Safety. The Committee also felt that it should give Chapter 347 of the Laws of 1991 a chance to work and see the results before adding more categories. Vote 13-0.

**SB 196-FN**, relative to administrative revocation of motor vehicle licenses of persons under age 21. **INEXPEDIENT TO LEGISLATE.**

Rep. George N. Katsakiores for Transportation: In as much as most major portions of Senate Bill 196, administrative revocation of motor vehicle licenses, are included in the amended House Bill 689 as proposed by the House Judiciary Committee, this Committee is recommending that Senate Bill 196 should be reported as Inexpedient to Legislate. Vote 12-1.

**CACR 13**, relating to taxes on business profits. Providing that the general court may levy taxes on profits or distributions paid to the owners by the business. **INEXPEDIENT TO LEGISLATE.**

Rep. David M. LaMar for Ways and Means: The subject matter of CACR 13 was considered in CACR 6, with amendment, which was recommended as Ought to Pass. " Thus CACR 13 became moot and the Committee recommends that it be Inexpedient to Legislate. Vote 18-0.

**HCR 15**, requesting the department of revenue administration to change its interpretation of the legislative intent concerning the applicability of the business profits tax to the sale and rental of personal residences. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna P. Sytek for Ways and Means: The resolution is an attempt to clarify the intent of the Legislature when it enacted the Business Profits Tax in 1970. At the hearing, it became evident that the impetus for the bill was a difference of opinion between the Department of Revenue Administration and one taxpayer over whether his property should be treated as a business or a residence for the BPT purposes. Since the matter is currently being litigated, and is not a widespread problem, the Committee recommends that the resolution be Inexpedient to Legislate. Vote 14-0.

### REGULAR CALENDAR

**HB 423-FN-A**, making an appropriation for health services for young children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Irene A. Pratt for Children, Youth and Juvenile Justice: This bill is to provide basic "well child" health services for young children from low income families. Such services include lead screening, immunization, vision and hearing screening. The Committee vote is to affirm a policy statement regarding the health needs of children. Vote 15-0.

4063L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to make an appropriation in order to fund health services for young children who are from low-income families throughout the state. Basic health services offered under this "Well Child" program include but are not limited to physical checkups, immunizations, hearing and vision screenings, and lead screenings. The appropriation made in this bill would serve to raise the present service to 7,700 children.

2 Appropriation. In addition to any other sums appropriated, the sum of \$400,000 is appropriated for the fiscal year ending June 30, 1993, to the bureau of maternal and



child health, division of public health services, department of health and human services, for the purpose of funding direct health services for young children as provided in section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1992.

Rep. William McCain spoke in favor.

Adopted.

Report adopted.

### LAIID ON THE TABLE

Rep. Robinson moved that **HB 423-FN-A**, making an appropriation for health services for young children, be laid on the table.

Adopted.

### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing the State of the State Address by the Honorable Judd Gregg.

### RECESS

### JOINT CONVENTION

(Speaker presiding)

The Speaker introduced Governor Judd Gregg who addressed the Joint Convention. Kathy, Mr. Speaker, Mr. President, Members of the General Court, Members of the Executive Council, friends and neighbors in New Hampshire.

I assume that some would expect that beginning a speech on the state of the State there would be reflections on the troubles of the past year, of which there have been a few. We all have friends and neighbors who have gone through very tough times, some are out of work, some find their jobs difficult to maintain, the business climate is weak, many more individuals have come to the state to seek assistance, and certainly at the state level we have had issues to address that have been fairly complex and difficult. However, that is not my inclination. Yes, we have seen some tough times, but the year 1991, I believe, will be remembered as one of the most positive in history. How can I make such a statement? Well, think for a moment. What has been the single most dominant threat hanging over the heads of that generation born in the immediate post-World War II period? Obviously, it was the threat of nuclear holocaust. For 50 years our world, our nation, and New Hampshire's citizenry were caught up in the swirl of confrontation between the totalitarian socialism of the Communist ideology and the ideals of freedom defined by our Constitution. And, because these two competing ideas were backed up with nuclear arsenals, the threat of world annihilation was real, and often immediate.

Now, in the brief span of a year, we have seen an end to this confrontation and a radical reduction in the threat of nuclear obliteration. What an incredible turn of events that has been. The year 1991 will be remembered as a high water mark in human history because of those events. So weak economy and all, there is, I believe, a great deal to smile about. An extraordinary gift has been given to our children—the chance to grow in a world free of the threat of mass destruction, free of the threat of Communism and its totalitarian ideology.

As we move into 1992, let us acknowledge that we have severe economic problems, but let us also acknowledge that we have immense opportunities as a state, as a people and as a world.

First and foremost, from an economic standpoint, is the opportunity to take advantage of a world generally at peace where goods can be sold and jobs created. If you think about it, probably not since the time that the Yankee Clipper ships sailed from Portsmouth to the far reaches of the world, to Asia, to Europe, and to the Near East, has there been a more opportune time to take advantage of the Yankee spirit and know-how for trading and participating in international commerce. We are seeing a world that is opening up to our entrepreneurs and our manufacturers. We have a free trade agreement with Canada, with Israel, and hopefully soon with Mexico. We have twelve new nations in Europe and Asia as a result of the breakup of the Soviet Union. We have an Eastern Europe where we can trade freely and a new Europe where trade will be made even easier and more accessible. All this represents immense opportunity for New Hampshire. Foreign trade, international competitiveness, this is where our future prosperity as a state and people lies. And the things we need to do to take advantage of this are not a great deal different than those things which our forefathers did back in the 1840s and 1850s when they set forth in their sailing ships. The formula for success is not complex. But executing on the formula is what is critical.

First, we have to have a national and a state policy that understands the importance of trade. We must actively pursue free trade opportunities and not be drawn into some jingoistic, protectionist viewpoint. The fact that somebody makes a product which competes effectively with one of our products should not cause us to close that product out of our marketplaces, but should rather force us to produce a better product, to become more competitive.

Second, as a state, we need to commit ourselves to infrastructure improvement so that we have the capacity to take advantage of New Hampshire's unique location. We are part of a region that is physically located closest to Europe by travel time, both in the air and on the sea. We are a region which physically adjoins the most populous part of Canada. But to access the European markets and the newly opening Russian Commonwealth markets and Canada, we have to have the capacity to move our goods. We need, therefore, to undertake the expansion of the Port facility at Portsmouth, assure that Pease is used as an international air facility, improve our own highway system, and introduce the latest and most advanced technology in the area of communications for our businesses. We are in the process of pursuing all these avenues and you the legislature have made that commitment. However, in pursuing some of these efforts our capacity to succeed is being limited by forces outside the state of New Hampshire. We cannot allow our need for these infrastructure improvements, which improvements have been agreed on and supported by you the elected leadership of this state, to be stopped or inappropriately delayed by out-of-state, unelected, dictatorial fringe groups.

The third thing that we must do to remain competitive is to educate our population to be competitive. Yankee traders were known for their guile and brains. You have heard me say before that the commodity of our region is not oil or agriculture or some other physical item. It is, rather, the commodity of brain power. We, more than any other region, should understand the need for this commitment to education and should understand that our educational system is now working.

We find ourselves with an educational system whose ideas appear to have atrophied in the 1950s. We are seeing a system unwilling to take on new initiatives and address what are clearly the changing demands of a changing world. We have, as I have said in the past, an educational system which is teaching knowledge for an industrial age when we are in an information age, basing our schedules on an agrarian calendar

when we are a commercial state, and we are teaching with the belief that there is a majority of two-parent families with one parent at home and not working, when in most families, if there are two parents, both parents are working and there are a large number of families where there is only a single parent and obviously that parent is working. What we need is an educational system to be willing to address new and imaginative ideas.

We need, for example, to look at a longer school day and a longer school year. When asked why the average student in Japan does so much better than the average student in the United States, certainly part of the answer is that the student in Japan goes to school for 240 days while the student in the United States goes to school for 180 days. There is no logic to a school year structured around the concept that children are needed at home to bring in the hay during the summer months. We are losing valuable time when we could be educating our children with the skills they will need to be competitive in this world.

We should also consider alternative certification. Clearly, within this hall there are innumerable people who could contribute immensely to the teaching of our children. Your life experiences and knowledge could play a major role in forming and educating our young people and preparing them for the competitive environment they will be finding themselves when they leave school. But you are not allowed to teach. You are not allowed in the school systems because we do not have alternative certification. It is time to draw from the huge talent pool which is available beyond just certified teachers and use that talent pool which is available beyond just certified teachers and use that talent as an additional resource and support method to the professional teacher.

We need also to look at the issue of merit pay. We live in a capitalist system. There is one basic rule of the capitalist system which is that you reward people who do a good job and you reward them not only with acknowledgment, but with monetary support. For some reason this concept is rejected within our educational bureaucracy, but if we are to get the best and the brightest in our school systems, and keep them there, we are going to need a system of incentives which is not only socially but monetarily driven.

Further, we must address the issue of teaching ethics and character in our school systems. We are a nation which has led the world in defining those ideals which can best be described as fundamental values. And yet, there seems to be a resistance towards teaching these basic, fundamental values within our school systems. I am not talking about bringing into the school systems a catechism of political thought. I am rather talking about teaching some very high quality and productivity in one's work and yet we find resistance to them. The teaching of these values is critical if we are to develop our students into productive citizens and have them contribute to the work force upon their graduation.

We also must address the difficult issue of sex education in our school systems. The nation is facing an epidemic, New Hampshire is facing the same epidemic, the epidemic of AIDS. This is a disease which there is no excuse for getting. This is a disease which can be totally avoided through intelligent action on an individual's part. However, if our children are uninformed as to what those intelligent actions are, they obviously are at risk of acquiring the disease. I recognize that it is a difficult issue; one involving the distinct local, community values system. It is without question a sensitive area, the teaching of sex education. But, it is absolutely critical that we begin intensive sex education curriculums at early levels of our school education



process so that our children are not put at risk for this terrible disease. We, as a society, cannot afford the social trauma which this epidemic is causing to say nothing of the inordinate cost of care which it is generating.

And, most importantly in the area of education, we need to undertake an aggressive program of choice within our school systems. Here we are in the late 20th century, seeing the demise of the socialist states throughout the world, the collapse of state-run monopolies throughout eastern Europe, but in New Hampshire and in the United States, we continue to have our primary and most important activity, the education of our children, dominated by a state monopoly. It is simply unconscionable. Competition is what makes a capitalist system work. If you create a product and you wish to sell it in a capitalist system, the quality of that product, the price of that product, is going to be driven by the competition which you receive. And yet, in our school systems, we have no competition. And thus, we have seen a solidification of the status quo and an unwillingness to take risks and create opportunities for our children. We obviously can no longer afford this.

We are in a world competition. Our capacity to succeed in international trade depends on our capacity to produce individuals who are educated, not at a level that competes with or is equal to our sister states of Vermont, Illinois or Texas, but rather who are at a level where they can compete with our sister nations of Japan and Germany. We can no longer afford to drag out feet on this. And this Legislature has an obligation to ignore the influence of those groups who are content with the status quo and simply demand more money to support a failed system, and instead authorize and initiate change in the area of education. Local communities such as Derry are undertaking these types of initiatives and it is time that this Legislature started to be supportive of the risk-takers in education.

The fourth area which we must address, if we are going to be successful in the economic opportunities of this new world, involves departing from the traditional *laissez-faire* approach which we have taken towards industry. There are some companies, some manufacturers, to whom if we are to succeed in attracting them to New Hampshire, and the jobs they will bring with them, we are going to have to offer assistance and there are other New Hampshire manufacturers who, because of their unique impact on the state, can be assisted and should be assisted.

Let me give you examples of places where the state of New Hampshire is going to need to step up and give assistance in order to create jobs or maintain jobs. First is in the area of Pease. We recognize that Pease can be the engine for economic prosperity for not only the Seacoast region but also for our state. In order for its to succeed, it is obviously going to need a basic industry group. Probably the best hope for such an industry group is the opportunity put forward by the chance to attract Deutsche Airbus to New Hampshire. However, in order to attract Airbus we are in competition with a number of other states and with other capital demands within the Airbus group. It will be necessary, therefore, that New Hampshire end up assisting in the development of Pease by assisting with financial support in the effort to attract companies like Airbus.

In the North Country it is estimated that 74% of the economic activity of Coos County is either directly or indirectly tied to the economic vitality of James River. We all recognize that the paper industry has traditionally been a cyclical industry and that certainly the paper industry in Northern New Hampshire has gone through its share of ups and downs. James River has come to the state and asked for assistance in the form of using state backed guarantees to obtain lower interest rates. New



Hampshire has not traditionally pursued this course. But, I believe that we must be willing in these tough economic times to show some imagination and be willing to depart from tradition. With 74% of the economic activity and a huge number of jobs at risk in the North Country, it is critical that we have a vibrant and viable paper industry. Thus, I will be proposing that New Hampshire give this type of support to James River. This can be accomplished without seriously impacting New Hampshire's bond rating and without generating any significant costs to New Hampshire taxpayers.

Also, to attract industry to central and southern New Hampshire, a convenient and modern Manchester Airport is essential. In order to assure that the planned improvements to Manchester Airport are successful, I will support the increasing of the commitment of the State of New Hampshire to guarantee principle and interest on bonds to build the Airport from \$25 million to \$50 million.

In addition, we are going to assist in an understanding between the University of New Hampshire and Dartmouth which will combine their wealth of resources to help us promote economic development, a major step forward for the relationship of these two extraordinary institutions, and a major step forward for the state of New Hampshire.

As must be obvious, the state's government involvement in economic development is an expensive undertaking. The last three years we have dramatically increased funding in this area to meet these needs. And, we have added a tremendous number of initiatives which include in part:

New Hampshire Business Development Corporation, Small Business Investment Corporation, Small Business Development Center, Industrial research center, Procurement Assistance Center, International Trade Center, Loaned Executive Program, Small Business Administration, Loan Guarantee program, UNH/Dartmouth cooperative agreement, Business Visitation Program, Buy in New Hampshire/Made in New Hampshire program, Corporate Vendor Matching program, Advisory Leadership Council, New England Governors' Conference, Business Excellence program, Business Ambassador's program, New Marketing initiatives which include: Cooperative advertising with local communities, Direct mail project Trade shows; Canadian initiatives, Wood products - economic development. Addition of an International Trade Specialist, Creation of the Office of International Commerce, Doubled funding of the Office of Economic Development, EXIM Bank, Establishment of a bank working group, and New England broadbased Cooperative.

However, as I have outlined, the cost of this effort will have to be increased. For example, simply the operation of Pease, the day to day expenses, not including the Deutsche commitment, could be as high as \$3 million annually.

In order to accomplish this commitment, we will need additional resources. It is my belief that there are a variety of ways to accomplish this. It is my belief that there are a variety of ways to accomplish this. We could, for example, repeal the shotgun approach of tax credits for jobs and investment passed in the last Session or pass the \$100 filing fee on business activity and place the proceeds of either of these actions into a special economic development account to pay for the cost of Pease and other development programs. The old saying that "it takes money to make money" can be varied a bit to "it takes money to create jobs", and in this case, economic activity.

If we are to remain competitive, we must also have a state government which is not an excessive burden to those people who wish to compete and create jobs in the economy. The burden of government can come in three ways. First, through its own

disorganization and economic ineptness; second, by being an overregulator and, therefore, suffocator, of the entrepreneur; and third, through overtaxation.

You have not heard me mention the budget, but clearly it is in the budget process and in the day-to-day operation of government that New Hampshire has an obligation to maintain an orderly house. With your help we have accomplished that goal. In this, the most difficult fiscal period for the New England states in the post-World War II time frame, we in New Hampshire, although having suffered, have done fairly well. We have a budget which for this biennium is in balance. As you all realize, this balance was reached through maintaining a tight control over spending while having the good fortune to receive the additional Medicaid funds which have assisted us in paying for what were formerly unreimbursed, unfunded federal mandates. We are, of course, not out of the woods. December revenues show that the economy still has not recovered and that we cannot expect to see a windfall in income to the state. It will, therefore, be my policy not to support and to actively oppose any legislation coming to my desk which increases spending in any accounts above those which have already been budgeted or spending which is required as a result of federally driven entitlement activity. We do not have the luxury of adding back programs that we have reduced or adding new programs. We must, rather, run a tight fiscal ship and I will insist on it.

The state will continue to deliver services in a high quality and orderly manner. In fact, I will be coming to you with a supplemental budget which will ask for \$43 million in additional spending in entitlement-driven programs. These are programs that help the people who are having tough times in this economy. These are the programs for the welfare mother, for the person who needs medicaid assistance, and for the food stamp distribution. In these tough times, those programs have increased and it is the obligation of government to pay for them. We will live up to that obligation and do it in a quality way. In addition, we will live up to our commitments to towns and cities. But, we are not in a position to greatly expand the activities of government, nor, as a practical matter, should we even if we were in such a position.

The second area that the state must be concerned about is overregulation of the marketplace. New Hampshire is continually rated as having one of the best business climates of any of the states in the country when it comes to doing business and having to deal with the state government. In fact, as I have met with different individuals who have been thinking of coming to New Hampshire to create jobs, one of their most consistent, positive comments has been their view of state government as a government willing to work with rather than against the job creators in society. We intend to continue that atmosphere.

However, in order to assure that we are not sitting on our successes, I am going to, by Executive Order, direct the creation of a State Council on Competitiveness, the primary purpose of which will be to review state regulatory activity to assure that we are carrying out the obligations of state government in a manner which is timely and not overly duplicative or bureaucratic. The Council will be a group of department heads and private citizens who can correct problems on the spot and improve systems for the overall better administration of government. It will be a place where business and individuals can get a fair hearing, not on specific fact problems, but on procedural and substantive policy and regulatory issues. The goal of this group will be to streamline government's response to the folks we serve in the private sector.

The third, and, of course, most important issue where government can impact economic activity is in the area of tax policy. New Hampshire has always uniquely

understood the basic truism that prosperity is tied to productivity and productivity is tied to tax burden.

And yet, even though we understand this fact there are some in government and many outside of government who believe that we should move to broadbased tax. Let me address that for a moment. You have heard me speak about this subject before, but I think it is worth repeating because this is clearly a core issue of New Hampshire public policy at this time. Some make the argument that they simply wish to pass a broadbased tax, an income tax or a sales tax, for the purposes of reducing the property tax. I don't believe that anyone takes that position seriously. It is such an obvious smoke screen and red herring in light of the factual history of tax policy in this country and it is not defensible as a concept. You cannot reduce taxes by raising taxes. There is no state that has ever been sold the bill of goods that by passing some form of broadbased tax that some other tax would go down where that has occurred. Wherever a broadbased tax, and specifically an income tax, has been brought on board, the total tax burden in the state has increased, and increased rather dramatically. Not only has the tax burden for the present generation increased, but the tax burden for future generations also is increased exponentially as states begin to borrow more money because they have generated more revenue. It may make for good press releases, but it is so substantiveless that it is hardly worth debating. No one takes the concept seriously that taxes are going to go down through passage of a brand new income tax. So let's not waste a lot of time debating that issue.

No, the issue of whether or not we should go to a broadbased tax, to an income tax, is much more fundamental. It is a question of how large we wish government to be. If you look at the groups and individuals who have gathered around the banner of promotion of an income tax, they are not people who are seeking to reduce or maintain the size of government. For the most part, they are organizations and individuals who believe fundamentally that government should do more, should spend more, and should be greater in its involvement in the activities of society. They are a collection primarily of public labor unions, teachers' unions, provider groups and individuals who believe that the burden of government should be increased in order to undertake various social functions. The debate, quite simply, is about how large you wish government to be. It is a simple fact of life that the size of government in a democracy constantly grows. The percentage of gross national product which is absorbed by government increases inexorably. Statistics confirm this, but also common sense confirms it. The question is how fast do we wish this growth to occur. If the government of New Hampshire were a train car, it would have presently hitched to it, three diesel engines. The question is, do we wish to add another 20 to 30 diesel engines. For that is what a broadbased tax, such as an income tax, amounts to. No more efficient or productive machinery for the production of revenue has been invented in democratic society than an income tax or sales tax. These are engines of huge revenue production. Revenue which in the good times will be spent on the creation of programs which are very difficult to support in the hard times. When you look at our sister states who are going through the same difficult economic times that we are today, with many having a much more chaotic experience than we are, all of them have a broad-based tax in place. You can see the programmatic costs put in place during the good times, as a result of a broadbased tax, greatly exceed the capacity of the state government to support those needs in the difficult times.

And if we are to pursue economic recovery, nothing could be more debilitating to our chances to generate economic activity and growth than the addition on to the



private sector of a brand new, gigantic burden of an income or a sales tax. New Hampshire continues to maintain, as a state, one of the lowest overall tax burdens of any state in the country, and that includes all our taxes. Our capacity to attract new job creators into the state is tied in large part to our ability to maintain this low tax burden. As we know, prosperity is tied to productivity, and productivity is tied to tax burden. Certainly, if we are to remain an attractive climate it is essential that we maintain a low tax burden. For years we have been a refugee camp for entrepreneurs within the New England region. Not only because we have highly productive people and a state government which is not overly regulatory and a wonderful physical environment, but also because we maintain a low tax burden. I happen to view the maintenance of that low tax burden as being one of the primary, if not the primary thing, that the state can do in order to maintain an attractive climate for the creation of jobs.

As we begin the year 1992, let us look at the opportunities for they are immense. This economic slowdown is a hill in the road, but it is a road on which the sun is rising, not setting; on which the sky is clearing, not clouding up. New Hampshire has so much going for it—the character of our people, the ability of our work force, our attitude towards government, our physical location, and our extraordinary environment. Working with these qualities, we can, as a people, as a state, as a culture, energize an immense amount of prosperity for our citizens. And, working with you, I intend to do exactly that.

Sen. Delahunty and Rep. Gross moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

Rep. Douglas Hall moved that the remarks of the Governor be printed in the Journal.

Adopted.

## RECESS

(Speaker Burns in the Chair)

## REGULAR CALENDAR (continued)

**HB 602-FN-A**, reinstating the dental program for children and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

Rep. Nancy W. MacKinnon for Children, Youth and Juvenile Justice: The bill restores the child health dental clinics for rural area children ages three to six years old from low-income families. The bill establishes an incentive grants program for elementary schools to sponsor preventive oral health activities. This is a policy vote by the Committee. The FN calls for state expenditures of \$192,556 in FY '93 and \$217,339 in FY '94. Vote 14-1.

3785L

## Amendment

Amend the bill by replacing all after section 1 with the following:

2 Appropriation. The sum of \$192,556 for the fiscal year ending June 30, 1993, and the sum of \$217,339 for the fiscal year ending June 30, 1994, are hereby appropriated to the department of health and human services, division of public health services, for the purposes of this act. These appropriations are in addition to any other funds appropriated to the department of health and human services, division of public health services. Such funds shall be nonlapsing. The governor is authorized to draw



his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill restores the child health dental clinics for rural area children ages 3 to 6 years old from low-income families. The bill establishes an incentive grants program for elementary schools to sponsor preventive oral health activities.

This bill makes an appropriation for fiscal years 1993 and 1994 to the department of health and human services, division of public health services, for the purposes of this bill.

Rep. Haettenschwiller spoke in favor and yielded to questions.

Rep. William McCain moved to recommit to Committee.

Recommitted to Committee.

**SB 220-FN**, relative to foster care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ellen-Ann Robinson for Children, Youth and Juvenile Justice: This bill, as amended, would allow those children adjudicated under the CHINs statute to remain in foster care or a group home until they graduate from high school. Estimated cost approximately \$50,000 - \$100,000 per year from the settlement line in the budget. Vote 16-0.

4035L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the district court's jurisdiction over certain children.

Amend the bill by replacing all after the enacting clause with the following:

1 Delinquent Children; Jurisdiction Expanded. Amend RSA 169-B:4 to read as follows:

169-B:4 Jurisdiction Over Certain Persons.

*I. The court shall have jurisdiction over any person with respect to whom a petition is filed under this chapter after his eighteenth and before his nineteenth birthday for an alleged delinquency offense committed before his eighteenth birthday, provided no person may be detained at or committed to the youth development center after his eighteenth birthday. [Jurisdiction obtained by a court over a person under this section and all orders affecting him then in force, unless terminated prior thereto by the court, shall terminate when the person reaches 19 years of age.]*

*II. The court may, with the consent of the child, retain jurisdiction over any child under this section who is attending school for the purpose of obtaining a high school diploma or general equivalency diploma. The court shall make orders relative to the support and maintenance of the child during the period after the child's eighteenth birthday as justice may require.*

*III. The court shall close the case when the child reaches age 18, or if jurisdiction is retained, when the child ceases to be enrolled as a full-time student during sessions of the school, or graduates from such school, or upon reaching the age of 21, whichever shall first occur.*

2 Children in Need of Services; Jurisdiction Expanded. Amend RSA 169-D:3 to read as follows:

169-D:3 Jurisdiction.

*I. The court shall have exclusive original jurisdiction over all proceedings [charging] alleging a child is in need of services.*

*II. The court may, with the consent of the child, retain jurisdiction over any child who, prior to his eighteenth birthday, was found to be a child in need of services, and who is attending school for the purpose of obtaining a high school diploma or general equivalency diploma. The court shall make orders relative to the support and maintenance of the child during the period after the child's eighteenth birthday as justice may require.*

*III. The court shall close the case when the child reaches age 18, or if jurisdiction is retained, when the child ceases to be enrolled as a full-time student during sessions of the school, or graduates from such school, or upon reaching the age of 21, whichever shall first occur.*

3 Child Caring and Child Placing Agencies; Definition of Child Modified. Amend RSA 170-E:25, I to read as follows:

I. "Child" means any person under [18] 21 years of age.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill expands the district court's jurisdiction over certain delinquent children and children in need of services to include certain children between the ages of 18 and 21 who are full time students for the purpose of obtaining a high school diploma or general equivalency diploma.

Adopted.

Report adopted.

Referred to Appropriations.

**SB 156-FN-A**, establishing a committee to study the SAU structure within the state of New Hampshire and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. Jacquelyn M. Domaingue for Education: The Subcommittee established to review this bill spoke with school superintendents, principals, Department of Education officials, and then discussed historical summaries of previous SAU studies. In an effort to address problems associated with increased SAU costs, as well as concerns relative to communication and procedure at the local level, the Subcommittee made four recommendations it believes must be followed before any further legislative study should be considered.

1. Improve school board members' understanding of the SAU budget, and improve SAU budget communication between school board members and voters, through a program of education. 2. Improve present system of reporting SAU costs through development of a uniform SAU budget guideline. 3. Establish criteria and procedures in statute for the formation of or withdrawal from an SAU. 4. Revision of education goals statewide and recommendations for regionalization of existing SAU services, to be submitted by the State Board of Education by October 1, 1992. The full Committee concurred with a unanimous vote of 18-0.

Rep. Champagne spoke in favor.

Rep. Jacobson spoke against.

Rep. Domaingue spoke in favor and yielded to questions.

Report adopted.

**HB 264-FN-A**, creating a nonlapsing, continually appropriated hazardous waste fund to be used for processing hazardous waste transporter permit applications and for monitoring compliance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory L. Hanselman for Environment and Agriculture: As amended, this bill dedicates the permitting fees currently collected from transporters of hazardous waste into the hazardous waste cleanup fund to be used to enforce the existing statutes. Vote 18-0.

4069L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

placing hazardous waste transporter permit application fees in the hazardous waste cleanup fund.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Definitions; Transporter; Transporter Permit. Amend RSA 147-B:2 by inserting after paragraph XI the following new paragraphs:

XI-a. "Transporter" means any person who transports hazardous waste.

XI-b. "Transporter permit" means any permit issued by the division of waste management in accordance with RSA 147-A:6.

2 New Paragraph; Use of Fees and Fund. Amend RSA 147-B:6 by inserting after paragraph I-b the following new paragraph:

I-c. Fees collected in accordance with RSA 147-A:6 and deposited in the hazardous waste cleanup fund shall be accounted for separately and used in processing transporter permit applications, monitoring compliance of transporters, and enforcing the laws and regulations adopted by the division of waste management applicable to the transportation of hazardous waste.

3 Fund Cap Amount Eliminated. Amend RSA 147-B:6, IV to read as follows:

IV. The division of waste management may use [up to \$325,000 per year from] the fund to pay for permitting, administrative and enforcement costs associated with the fund.

4 Fees Assigned to Hazardous Waste Cleanup Fund. Amend RSA 147-A:6, VI to read as follows:

VI. Fees received by the division of waste management under this section shall be *placed in the hazardous waste cleanup fund established under RSA 147-B:3. The fees collected by the division of waste management under this section shall be accounted for separately and shall be* used in processing transporter permit applications [and], monitoring compliance of transporters, *and enforcing the laws and regulations adopted by the division of waste management applicable to the transportation of hazardous waste.*

5 Hazardous Waste Cleanup Fund. Amend RSA 6:12, I(pp) to read as follows:

(pp) Moneys received under RSA 147-A:4, *RSA 147-A:6, RSA 147-A:16, RSA 147-A:17, RSA 147-A:17-a, RSA 147-B:8, and RSA 147-B:11*, which shall be credited to the hazardous waste cleanup fund established under RSA 147-B:3.

6 Effective Date. This act shall take effect July 1, 1993.

## AMENDED ANALYSIS

This bill places all hazardous waste transporter permit application fees in the hazardous waste cleanup fund. This bill adds definitions relative to hazardous waste and eliminates the \$325,000 limit on the use of fund moneys by the division of waste management.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 265-FN-A**, using revenues from a solid waste cleanup fund to fund departmental positions and to pay certain cleanup costs and continually appropriating the fund to the division of waste management. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory L. Hanselman for Environment and Agriculture: The bill creates a mechanism to fund solid waste cleanup similar to the present hazardous waste cleanup fund. As amended, funds generated by civil penalties and fines would be used by the Department of Environmental Services (up to \$250,000 per year) for cleanup purposes. Vote 17-0.

4134L

**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The legislature finds and declares the necessity to regulate solid waste activities by funding the administration of such activities at a predictable level designed to maximize the state's ability to lessen its share of the cleanup of unlawfully disposed solid waste. The funds shall be maintained in a separate account to provide the state with the means necessary to take immediate action to clean up solid waste unlawfully disposed of by persons who cannot be expeditiously compelled to pay for such cleanup. The fund shall provide the state with the means to recover the costs of any cleanups of solid waste which it shall fund initially under the provisions of this act.

2 New Subdivision: Solid Waste Cleanup Fund. Amend RSA 149-M by inserting after section 32 the following new subdivision:

**Solid Waste Cleanup Fund**

149-M:33 Fund Established.

I. In order to provide for the regulation of solid waste activities and the cleanup of solid waste, the disposal of which violates this chapter or rules adopted under this chapter pursuant to 541-A, there is established a nonlapsing solid waste cleanup fund. The fund shall be continually appropriated for the use of the waste management division of the department of environmental services as provided under RSA 149-M:34, except that at the end of the fiscal year, any amount in excess of \$250,000 shall lapse to the general fund.

II. All proceeds from the following sources shall be deposited into the solid waste cleanup fund:

- (a) Administrative fines imposed under RSA 149-M.
- (b) Civil penalties or settlement payments assessed for violations of this chapter or rules adopted pursuant to 541-A.
- (c) Costs recovered under the provisions of RSA 149-M:35.

III. All moneys received under this section shall be deposited with the state treasurer in a separate solid waste cleanup fund, and all interest earned on such fund shall be deposited into the fund.



IV. The division of waste management shall not use the solid waste cleanup fund until such time as a balance of \$50,000 has accrued in the fund.

149-M:34 Purposes and Use of the Fund.

I. The fund shall provide for adequate and safe disposal of solid waste at sites within the state where solid waste has been stored or disposed of in a manner which threatens the environment or the public health or welfare and, for restoration of such sites. Such funds may be expended in accordance with the following procedures:

(a) Prior to the use of the fund for such purposes, the governor shall certify, upon the recommendation of the commissioner of the department of environmental services, that circumstances exist which require use of the fund for the treatment, storage, transportation or disposal of solid waste, or the restoration of sites where such waste has been deposited, in order to prevent or mitigate degradation of the environment or adverse effects upon the public health or welfare.

(b) Following certification by the governor, the division may expend moneys from the fund for the following purposes:

(1) To hire consultants and personnel.

(2) To purchase, lease, or rent necessary equipment.

(3) For other necessary expenses directly associated with the proper disposal of such solid waste.

II. The fund shall also be used to support the solid waste regulatory program of the division and may be expended for any use associated with administering the provisions of this chapter.

149-M:35 Liability for Cleanup Costs. Any person who directly or indirectly causes solid waste to be disposed of in violation of this chapter or of any rules adopted under this chapter shall be strictly liable for costs directly or indirectly resulting from the violation relating to:

I. Cleanup, treatment, storage, transportation, or lawful disposal of the solid waste.

II. Restoration of the disposal site, where necessary.

III. Court costs and attorney's fees necessary to recover the costs of enforcing this section.

3 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (uu) the following new subparagraph:

(vv) Moneys received under RSA 149-M:33, which shall be credited to the solid waste cleanup fund established in RSA 149-M:33.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(a) Establishes the solid waste cleanup fund for the purposes of hiring personnel, obtaining necessary equipment, and administering other matters related to the cleanup of solid waste in the state. The fund is continually appropriated for the purposes of the waste management division relating to certain solid waste responsibilities. Any amount in excess of \$250,000 at the end of the fiscal year shall lapse to the general fund.

(b) Specifies that the fund shall be supported by administrative fines and civil penalties generated by violations of the solid waste law.

(c) Holds any person strictly liable who disposes of solid waste in violation of the law or rules.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 776-FN**, establishing a household hazardous waste management program and advisory committee and a consumer education program on household hazardous wastes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M. Scanlan for Environment and Agriculture: House Bill 776 establishes a comprehensive household hazardous waste collection program. Vote 16-2.

4136L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a household hazardous waste management program and  
a consumer education program on household hazardous wastes.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds and declares that it is its intent:

I. To safeguard public health, promote worker safety, and protect the environment by expanding the household hazardous waste management program and by reducing the use of household hazardous products.

II. To promote education and information about household hazardous waste and toxics use reduction.

III. To establish an expanded network of household hazardous waste collection programs to be administered by the waste management division, department of environmental services and to be funded by an advance disposal fee (ADF) assessed on wholesalers or distributors of household hazardous products, excluding all pesticides and herbicides.

IV. To reduce the toxicity of the solid waste stream to the maximum extent feasible in accordance with the provisions of RSA 149-M.

V. To establish permanent access to household hazardous waste collections in New Hampshire.

2 New Paragraphs; Definitions; Advance Disposal Fee; Director; Display Area Label. Amend RSA 147-B:2 by inserting after paragraph I the following new paragraphs:

I-a. "Advance disposal fee" (ADF) means the fee assessed on each container of household hazardous product sold, regardless of volume or weight, excluding all pesticides and herbicides. The fee shall be assessed on the wholesaler or distributor of household hazardous products.

I-b. "Director" means the director of the waste management division of the department of environmental services.

I-c. "Display area label" means the indication used by a retailer to mark the area where a household hazardous product is exhibited for sale.

3 New Paragraph; Definition; Manufacturer. Amend RSA 147-B:2 by inserting after paragraph VIII-b the following new paragraph:

VIII-c. "Manufacturer" means a person who manufactures or produces a household hazardous product for resale to the ultimate consumer within New Hampshire.

4 New Paragraphs; Definitions; Residential Purposes and Retailer. Amend RSA 147-B:2 by inserting after paragraph IX-a the following new paragraphs:

IX-b. "Residential purposes" means intended for domestic, non-commercial use in or around a private residence.

IX-c. "Retailer" means a person offering for sale or selling a household hazardous product to the ultimate consumer within New Hampshire.

5 New Paragraphs; Definitions; Household Hazardous Product; Household Hazardous Waste; Wholesaler. Amend RSA 147-B:2 by inserting after paragraph XII the following new paragraphs:

XIII. "Household hazardous product" means a product used for residential purposes, which contains substances designated as hazardous by rules adopted by the waste management division under RSA 147-A:3, II.

XIV. "Household hazardous waste" means the portion of household hazardous products as defined in RSA 147-B:2, XIII, which is deemed not usable by the consumer.

XV. "Wholesaler" or "distributor" means a person, other than a manufacturer or manufacturer's agent, who engages in the business of wholesaling or distributing household hazardous products within New Hampshire for the purpose of resale.

6 New Subdivision; Household Hazardous Waste Disposal. Amend RSA 147-B by inserting after section 11 the following new subdivision:

Household Hazardous Waste Disposal

147-B:12 Household Hazardous Waste Cleanup Program Established. The waste management division shall conduct programs to collect and properly dispose of household hazardous waste. To implement this program, the division shall:

I. Promote the program through an educational campaign which shall emphasize source reduction, reuse, recycling and the proper disposal of household hazardous waste as the hierarchy of addressing the household hazardous waste problem.

II. Contract with a qualified licensed and bonded hazardous waste disposal company for the periodic collection and proper disposal of household hazardous waste. The director shall set limits on the maximum amount of wastes to be accepted from each person at each disposal event as part of the collection contract.

III. Designate dates, times, and locations for the collection of household hazardous waste. The division shall hold not less than 20 collections annually provided sufficient funds are available in the hazardous waste cleanup fund.

IV. File an annual report on the household hazardous waste collection and disposal program, on or before January 1 of each year, with the president of the senate and the speaker of the house, to be distributed to the appropriate standing committees of the house and senate for review.

147-B:13 Hazardous Materials Labels; Products List; Penalty.

I. A retailer shall affix a display area label in a prominent place upon or near the display area of a household hazardous product. If the display area is a shelf, and the price of the product is affixed to the shelf, the label shall be affixed adjacent to the price information.

II. The director shall develop, and distribute to retailers, a generic list of household hazardous products that requires shelf labeling. This list shall not include pesticides and herbicides.

III. Any person violating this section shall be guilty of violation. Each day of violation shall constitute a separate offense and, notwithstanding RSA 651:2, shall be punishable by a fine not to exceed \$100 a day.

147-B:14 Consumer Information Booklets.

I. A retailer shall maintain and prominently display a booklet, developed by the waste management division, which provides information regarding the proper use of household hazardous products, less toxic alternative household products and specific instructions for the proper disposal of certain substance categories. The waste management division shall also develop and provide to retailers, bulletins regarding household hazardous products.

II. A manufacturer or distributor of household hazardous products who authorizes independent contractor retailers to sell its products on a person-to-person basis, primarily in the consumer's home, shall print informational lists identifying which of its products fall within the definition of a household hazardous product in RSA 147-B:2, XIII. These product lists and the consumer information booklets prepared under this section shall be provided by the manufacturer or distributor in sufficient quantities to each contractor retailer for dissemination to consumers.

147-B:15 Fees.

I. The director shall develop a list of generic household hazardous products for which the ADF will be charged. This list shall not include pesticides and herbicides. If it can be demonstrated to the satisfaction of the director that a product does not contain substances designated as hazardous by rules adopted under RSA 147-A:3, II, then that product shall not be subject to an ADF. Such exemptions shall be noted on the list of generic household hazardous products.

II. The wholesaler or distributor shall pay an ADF of \$0.10 per container of household hazardous products sold. The \$0.10 per container fee shall be collected by the department of revenue administration. The department of revenue administration shall also perform audits on such wholesalers and distributors as necessary. The department of revenue administration shall adopt rules under RSA 541-A regarding collection of the ADF.

III. The disposal fees collected under this section shall be paid into the hazardous waste cleanup fund established under RSA 147-B:3 and shall be accounted for separately and used in the administration and implementation of this subdivision.

7 Household Hazardous Waste Cleanup; Use of Funds. Amend RSA 147-B:6, I-a to read as follows:

I-a. The fund [may] *shall* be used for [conducting office-approved] household hazardous waste cleanup [projects] *programs conducted under RSA 147-B:12* throughout the state. Expenditures from the fund for such [projects] *programs* shall [be matched on a dollar-for-dollar basis by municipalities or by other local or regional entities] *cover the costs associated with such programs* in accordance with rules adopted by the office under RSA 147-B:7, III. [It shall be a purpose of such assistance] *The waste management division may distribute hazardous waste cleanup fund moneys* to [enable] *state*, local and regional entities to educate the public in the importance of the proper management of household wastes which have hazardous or toxic [qualities] *characteristics*. Programs which receive funding shall include in their proposal a significant public education component. [To encourage such programs, the office shall prepare a suggested warrant article which local governmental entities may use to secure the local funding component.]

8 Rulemaking; Household Hazardous Waste Collection and Disposal. RSA 147-B:7, III is repealed and reenacted to read as follows:

III. The waste management division shall adopt rules, under RSA 541-A and after public hearing, relative to:



(a) The form and content of the display area label required of retailers under RSA 147-B:13.

(b) The products to be included in the generic household hazardous products lists to be developed under RSA 147-B:13 and RSA 147-B:15.

9 Rulemaking Authority. Amend RSA 21-J:13 by inserting after paragraph IX the following new paragraph:

X. The collection of the advance disposal fee (ADF) under RSA 147-B:15.

10 Effective Date.

I. RSA 147-B:15 as inserted by section 6 of this act shall take effect July 1, 1993.

II. The remainder of this act shall take effect January 1, 1994.

#### AMENDED ANALYSIS

This bill:

I. Defines household hazardous waste.

II. Establishes a comprehensive household hazardous waste management program.

III. Requires retailers to post display signs where certain defined household hazardous products are displayed for sale and identify their residues as hazardous waste.

IV. Establishes an advance disposal fee to be assessed to wholesalers or distributors on any purchase of a hazardous product to be used by a consumer in the state.

Adopted.

Report adopted.

Referred to Ways and Means.

**HB 281-FN**, establishing a fund for interpreter services for the hearing impaired and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. William F. Kidder for Executive Departments and Administration: Lack of funding dictates that this bill be Inexpedient to Legislate. Vote 13-1.

Adopted.

**HB 317-FN**, relative to a minimum service retirement allowance for group II members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will provide any Group II member, who has a full service retirement, a minimum retirement allowance of \$5,200. This will not apply to those who retired with a reduced or vested deferred retirement. If the member of group II had elected to convert the retirement allowance into an optional allowance for the spouse under RSA 100-A:13, then the surviving spouse shall share proportionately in the minimum retirement allowance of \$5,200. The minimum service retirement allowance granted by this bill shall be reduced by an amount equal to the amount of the annual retirement allowance provided by the New Hampshire Retirement System together with annual Social Security benefits and any other annual benefits currently provided by any municipality or other public body to Group II members. After this deduction, the difference shall be paid by the New Hampshire Retirement System. These benefits will be terminally funded by the Retirement System. Vote 14-0.

4117L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Minimum Retirement Allowance, Group II. Amend RSA 100-A:5, II by inserting after subparagraph (b) the following new subparagraph:

(c) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who has retired on a full service retirement allowance shall receive a minimum service retirement allowance of \$5,200, in addition to any other benefits or allowance to which he may be entitled. The provisions of this subparagraph shall not apply to a group II member who has retired on a reduced or on a vested deferred retirement allowance. In the case of a group II member who has retired on a full service retirement allowance, and who has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$5,200 which shall be based upon the optional allowance which the surviving spouse is receiving.

#### 2 Application.

I. The provisions of section 1 of this act shall apply to group II members who retired prior to or subsequent to July 1, 1992.

II.(a) For a period beginning on July 1, 1992, and ending on June 30, 1993, the minimum service retirement allowance granted in section 1 of this act shall be calculated according to the provisions of this paragraph. The minimum service retirement allowance shall be reduced by an amount equal to the annual retirement allowance provided to the group II member by the New Hampshire retirement system, together with the annual social security benefit currently provided by the Social Security Administration, plus any annual benefits currently provided by any municipality or other public body to the group II member. After this deduction, the resulting difference shall be provided to the group II member by the New Hampshire retirement system.

(b) In order to receive the minimum service retirement allowance granted in section 1 of this act, the group II member shall file with the New Hampshire retirement system board of trustees the total amount of annual social security benefits plus any annual benefits currently provided by a municipality or any other public body which the member has received as of July 1, 1992.

3 Funding. Notwithstanding any provisions of RSA 100-A:16, II(h) to the contrary, the total actuarial cost of providing the additional benefits provided in section 1 of this act for group II members shall be terminally funded.

4 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill permits any group II member who has retired on a full service retirement allowance to receive a minimum service retirement allowance of \$5,200. The provisions of the bill apply to group II members who retired prior to or subsequent to July 1, 1992.

The bill also provides that for a period beginning on July 1, 1992, and ending June 30, 1993, the minimum service retirement allowance shall be reduced by an amount which equals any other retirement benefits which the group II member receives.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 228-FN-A**, relative to augmentative communication devices and making an appropriation therefor. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Marilyn P. Senter for the Majority of Health, Human Services and Elderly Affairs: The Majority of the Committee felt that the state could not afford the cost of

these devices despite the proven need for them by the people unable to communicate by voice. Vote 8-3.

Reps. Marion L. Copenhaver, Katherine W. Wheeler and Cecelia D. Kane for the Minority of Health, Human Services and Elderly Affairs: The Minority of the Committee could not justify the fact that the state provides wheelchairs for those unable to walk, but refuses to provide assistance to those unable to talk. It was the opinion of the minority that being able to communicate and thus able to work (in many cases) is equally important as having a wheelchair with which to move around. Could this discrimination be justified in a court of law?

Majority report adopted.

**HB 479-FN-A**, increasing the personal needs allowance of nursing home residents and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE**.

Rep. Cecelia D. Kane for Health, Human Services and Elderly Affairs: The object of this bill was to increase the personal allowance of nursing home residents. This is an important bill. Due to the Committee's concern for the financial situation of our state, it was decided to make this bill Inexpedient to Legislate. The Committee hopes this bill will be introduced in the 1993 session. Vote 9-2.

Rep. Pantelakos moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Foster spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

### **YEAS 97**

### **NAYS 236**

#### **YEAS 97**

#### **BELKNAP**

Golden, Paul A.

Maviglio, Steven R.

#### **CARROLL**

Dodge, A. Gibb, Jr.

#### **CHESHIRE**

Burnham, Daniel M.  
Lynch, Margaret A.

Champagne, Richard L.  
Riley, William A.

DePecol, Benjamin J.

#### **COOS**

Buckley, C. Fitzgerald

Coulombe, Henry W.

Theriault, Romeo J.

#### **GRAFTON**

Chambers, Mary P.  
Shackett, Ralph E.

Guest, Robert H.

Nordgren, Sharon L.

#### **HILLSBOROUGH**

Baldizar, Barbara J.  
Chasse, Richard D.  
Drabinowicz, A. Theresa  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Janas, Gregory  
Jordan, Mary H.  
Laughlin, J. Francis  
Nardi, Theodora P.  
Soucy, Donna M.

Bourque, Ann J.  
Clemons, Jane A.  
Elliott, Larry G.  
Green, Scott E.  
Hall, Betty B.  
Jean, Romeo W.  
Keane, Cornelius J.  
Leclerc, Charles J.  
O'Rourke, Joanne A.  
Turgeon, Roland M.

Buckley, Raymond  
Cote, David E.  
Fenton, James J.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Johnson, Lionel W.  
King, Frank P.  
Martin, Mary Ellen  
Reidy, Frank J.  
White, John M.

**MERRIMACK**

Braiterman, Thea  
Jacobson, Alf E.  
Wallner, Mary Jane

Dunn, Miriam D.  
Molner, Mary E.  
Yeaton, Charles B.

Fillion, Paul R.  
Soldati, Jennifer G.

**ROCKINGHAM**

Bell, Juanita L.  
Christie, Andrew, Jr.  
Flanders, David A.  
Hurst, Sharleene P.  
Katsakiores, Phyllis  
MacKinnon, Nancy W.  
Palazzo, Frank J.  
Rubin, George R.  
Vaughn, Charles L.

Campbell, Marilyn R.  
Clark, Martha Fuller  
Ford, Bert H.  
Hynes, Carolyn E.  
Klemarczyk, Thaddeus E.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Syracusa, Anthony  
Wells, Henry E.

Caswell, Albert, Jr.  
Dowling, Patricia A.  
Griebsch, Linda  
Kane, Cecelia D.  
MacDonald, Joseph A.  
Melnick, Roy E.  
Rosencrantz, James R.  
Thayer, Leroy C.

**STRAFFORD**

Frechette, Roland A.  
Jankowski, Peter M.  
O'Brien, John  
Spencer, Leo J.  
Wheeler, Katherine W.

Gilmore, Gary R.  
Kincaid, William K.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Young, John B.

Hambrick, Patricia A.  
Merrill, Amanda A.  
Pelley, Janet R.  
Wall, Janet G.

**SULLIVAN**

Allison, David C.  
Walsh, Robert R.

Burling, Peter Hoe

Stamatakis, Carol M.

**NAYS 236  
BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Rosen, Ralph J.  
Vogler, Charles C.

Cain, Thomas G.  
Hawkins, Robert S.  
Joscelyn, William W.  
Shibley, Arnold P.  
Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Bradley, Jeb E.  
Dickinson, Howard C.  
Wiggin, Allen R.

Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Gordon E.

**CHESHIRE**

Clark, Eugene W.  
Crutchley, Donald O.  
Hogan, James B.  
LaMar, David M.  
Mohr, Frederick C., Jr.  
Pratt, Irene A.

Cole, Kenneth A.  
Feuer, Joseph N.  
Hunt, John B.  
Laurent, John J.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Cole, Stacey W.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Perry, David M.  
Young, David A.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Guay, Lawrence J.  
Marsh, Beaton  
Nelson, Harold D.

Hawkinson, Marie C.  
Mayhew, Josephine  
Oliver, Terry D.



**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
LaMott, Paul I.  
Markley, J. Keith  
Scanlan, David M.  
Wadsworth, Karen O.

Arnesen, Deborah L.  
Brown, Patricia B.  
Dow, David  
Larson, Nils H., Jr.  
McIlwaine, Deborah P.  
Teschner, Douglass P.  
White, Paul R.

Bean, Pamela B.  
Christy, C. Dana  
Driscoll, William J.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.

**HILLSBOROUGH**

Ackerman, Philip M.  
Amidon, Eleanor H.  
Bowers, Dorothy C.  
Crotty, Edward J.  
Desrosiers, William J.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Kurk, Neal M.  
Larochelle, Roger B.  
Lefebvre, Roland J.  
Mason, Howard F.  
McNerney, Daniel P.  
Messier, Irene M.  
Ouellette, Robert O.  
Record, Alice B.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Upton, Barbara A.  
Wheeler, Robert L.

Ahrens, Frederick G.  
Andrews, Frederick B.  
Carpenter, Karen A.  
Daigle, Robert A.  
Dodge, Emma M.  
Durham, Susan B.  
Ferguson, Charles  
Ford, Nancy M.  
Goulet, Maurice E.  
Holden, Carol H.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
McRae, Karen K.  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Rheault, Lillian I.  
Sallada, Roland A.  
Stiles, Walter A.  
Vanderlosk, Stanley R.  
Wright, George W.

Alukonis, David J.  
Arnold, Barbara E.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Hultgren, David D.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lawrence, Norman B.  
Lozeau, DonnaLee M.  
McDowell, James E.  
Mercer, Robert S.  
Murphy, Robert E.  
Peters, Stanley W.  
Riley, Frances L.  
Searles, Stanley N., Sr.  
Tarpley-Bamberger, Nancy L.  
Wheeler, David K.

**MERRIMACK**

Anderson, Eleanor M.  
Barberia, Richard A.  
Chandler, Earle W.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Johnson, C. William  
Letourneau, George E.  
Millard, Elizabeth S.  
Stapleton, Henry F.  
Whittemore, James A.

Apple, Lowell D.  
Boucher, Laurent J.  
Chandler, John P.  
Gross, Caroline L.  
Hill, Michael J.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.

Asplund, Bronwyn L.  
Carter, Susan D.  
Daneault, Gabriel J.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Kidder, William F.  
Lockwood, Robert A.  
Smith, Gerald R.  
Teague, Bert

**ROCKINGHAM**

Barnes, John S., Jr.  
Chulack, Peter G., Sr.  
Conroy, Janet M.  
Dowd, Sandra K.

Boucher, William P.  
Coffey, John J.  
Cote, Patricia L.  
Dube, LeRoy S.

Buco, Stephen W.  
Connell, David R.  
DiPietro, Carmela M.  
Felch, Charles H., Sr.

Flanagan, Natalie S.  
Greene, Elizabeth A.  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
McCain, William F.  
Packard, Sherman A.  
Roulston, Donald L.  
Seward, Russell G.  
Smith, Arthur W.  
Tufts, Arthur  
Woods, Deborah L.

Flanders, John W., Sr.  
Hoar, John, Jr.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
McCarthy, John J., Jr.  
Parr, Ednapearl F.  
Schanda, Joseph, Sr.  
Simon, Peter M.  
Sytek, Donna P.  
Warburton, Calvin

Gage, Beverly A.  
Hoelzel, Kathleen M.  
Keith, Brenda E.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Raynowska, Bernard J.  
Senter, Marilyn P.  
Skinner, Patricia M.  
Sytek, John J.  
Welch, David A.

### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Hashem, Elaine M.  
Marston, Robert E.  
Musler, George T.  
Tsiros, William

Brown, Julie M.  
Flynn, Edward J.  
Keans, Sandra B.  
Martling, W. Kent  
Nehring, William H.  
Vincent, Francis C.

Corte, Arthur B.  
Foss, Patricia H.  
Kinney, Paula J.  
Messier, Donald R.  
Torr, Ann M.

### SULLIVAN

Behrens, Thomas A.  
Middleton, John A.  
Rodeschin, Beverly T.  
and the substitute motion failed.  
Report adopted.

Krueger, Richard H.  
Peyron, Fredrik  
Schotanus, Merle W.

Lindblade, Eric N.  
Porter, Robert H.

**HB 506-FN**, relative to cost-of-living increases in the AFDC standard of need.  
REFER FOR INTERIM STUDY.

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: Realizing the AFDC families have not had an increase since the mid-1970s in their benefits and are at least \$300 behind the "cost-of-living allowances" granted to other segments of our population, the bill should have passed — leading to its ultimate failure in other committees. Attempting to keep this bill alive, the Committee recommends Interim Study. Vote 9-1.

Referred for Interim Study.

**SB 172-FN-A**, establishing a committee to study the board and care rates for residents of enhanced family care facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary C. Holmes for Health, Human Services and Elderly Affairs: This bill was amended in the Senate and set up a committee to study the board and care rates for residents of enhanced family care facilities. It was the vote of the Committee to amend Senate Bill 172 to its original form and increase the board rates of residents of enhanced family care facilities to equal the rates for shared homes. Vote 9-3.

3649L

### Amendment

Amend the title of the bill by replacing it with the following:

### AN ACT

relative to enhanced family care facilities and  
making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The purpose of this act is to raise the board and care rate for residents of enhanced family care facilities to equal the amount for residents of shared homes. After the passage of this act, enhanced family care residents and shared home residents shall continue to receive the same board and care rate in all future budgets.

2 Appropriation; Division of Human Services. The sum of \$548,700 for the bien-nium ending June 30, 1993, is hereby appropriated to the division of human services, department of health and human services, for the purpose of increasing the board and care rate of residents of enhanced family care facilities. This appropriation shall be nonlapsing and in addition to any other appropriation made to the division of human services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill makes an appropriation to the division of human services, department of health and human services, for the purpose of increasing the board and care rate of residents of enhanced family care facilities.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 476-FN-A**, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alf E. Jacobson for Judiciary: The bill is designed to establish an experiment for handling judicially marital disputes by an alternative method. Under this two-year pilot program, parties seeking a divorce or involved in other marital disputes may elect to have their cases heard before a three-person commission in a non-adversary procedure. The hope is that this experiment may well open the door for a fundamental change in settling marital disputes as provided for in the Constitution of New Hampshire Part II, Article 76. The FN called for state expenditures of \$40,000 in FY '94 and \$40,000 in FY '95. The Committee amendment decreases expenditures to \$1. Vote 14-5.

4085L

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Commission Established; Pilot Program. There is hereby established the marital commission pilot program to be situated in Sullivan county. The pilot program shall expire on June 30, 1994, unless renewed by the legislature.

Amend the bill by replacing section 5 with the following:

5 Election of Marital Commission. Before filing an answer to a petition or libel for any of the proceedings listed in section 4, paragraph I of this act, the parties may file petitions with the clerk of court of Sullivan county electing to go before the marital commission by completing any necessary forms and following any procedures established by the commission.

Amend the bill by replacing sections 7 and 8 with the following:

7 Required Documents; Session with Mediator Suggested.

I. The commission shall have the power to require of the parties such documents and material which the commission deems necessary for proper adjudication. Such documents shall be available to the opposing parties.

II. The commission shall advise the parties to attend at least one session with a certified mediator. If the parties elect to attend sessions with the certified mediator, the certified mediator shall make a report of findings to the commission and shall be available to answer any questions posed by the commission.

8 Transfer to Superior Court. Upon review of a case, the commission shall have the authority to transfer any case to the superior court at any time during the proceedings if, in the opinion of the commission, procedures in the superior court better suit the case. Whenever a party to the case alleges domestic violence and requests that the case be transferred to the superior court, the commissioner shall transfer the case to the superior court.

Amend the bill by replacing sections 11 and 12 with the following:

11 Appropriation. The sum of \$1 is hereby appropriated for the biennium ending June 30, 1994, to the supreme court for the marital commission pilot program established in section 2 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

12 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill establishes a 2-year marital commission pilot program in Sullivan county. The commission is composed of 3 members: a certified psychologist or clinical social worker, a family financial planner, and a member of the New Hampshire Bar Association. The commission has the power to hear cases on issues of divorce, annulment, separation, custody, child support, visitation, alimony and property settlement.

At the beginning of the legal proceedings the parties may agree to have the case heard by the marital commission rather than going to superior court. Parties may appear before the commission with or without legal counsel. During the proceeding the commission may ask questions of the parties and may require documents from the parties. The decision of the commission must be issued within 90 days of the initial filing of the case with the commission. The parties may appeal the decision to the supreme court.

Money is appropriated to the commission for the biennium ending June 30, 1994.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 677-FN**, establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases. OUGHT TO PASS WITH AMENDMENT.

Rep. Donnalee M. Lozeau for Judiciary: This bill, as amended, allows the court to implement a pilot program to address the problems relative to what is referred to as the "second bite of the apple" which allows a DWI defendant the benefit of having a second trial and requesting a jury at that second trial. The bill also addresses the monetary issue by allowing the court to implement this program when there are available funds in the judicial budget. If the savings are as great as the Committee believes, it will be in the system's best interest to get this on-line and save both time and money. Vote 16-1.



3660L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Pilot Program; Elimination of Trial De Novo in Superior Courts; Rockingham County.

I. Notwithstanding RSA 502-A, RSA 599, or any other provision of law to the contrary, the supreme court is directed to establish a 2-year pilot program eliminating the trial de novo system in misdemeanor cases in Rockingham county.

II. For purposes of this pilot program, the district courts in Rockingham county shall have original and exclusive jurisdiction over any crime or offense which is punishable by a fine of not more than \$2,000 and imprisonment not exceeding one year. For the purposes of this pilot program only and notwithstanding the provisions of RSA 502-A:1, the supreme court shall divide Rockingham county into 3 judicial districts for which jury trials may be conducted at the current locations for the Salem district court, the Portsmouth district court, and the Rockingham superior court.

III. At the time of his arraignment in a district court in Rockingham county or, at the discretion of the court, for up to 20 days after the date of his arraignment, the defendant shall have an option of electing a jury trial or a non-jury trial. A non-jury trial shall be held in the district court where the complaint was filed. If the defendant chooses a jury trial, the case shall be heard in the judicial district designated by the supreme court to be served by the Rockingham superior court, the Salem district court, or the Portsmouth district court for trial by jury. Appeal of a decision on a misdemeanor case heard in Rockingham county shall be directly to the supreme court on issues of law only.

IV. The pilot program shall take effect on July 1, 1992, and shall continue for 2 years. The end result of this pilot program shall be as outlined in paragraph II; however, the method and dispatch with which it is implemented is within the discretion of the supreme court. On or before January 15, 1995, the supreme court shall submit a report, including any recommendations for continuation or expansion of the pilot program, to the speaker of the house, the senate president and the governor.

2 Appropriation; Supreme Court. The sum of \$202,000 is appropriated to the supreme court for the biennium ending June 30, 1993, for the purposes of establishing the pilot program. The governor is authorized to draw his warrant for such sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1992.

**AMENDED ANALYSIS**

This bill directs the supreme court to establish a 2-year pilot program in Rockingham county eliminating the 2 trial system in misdemeanor cases. Under this program a defendant in a misdemeanor case in Rockingham county may elect, at the district court level, either a jury trial or a non-jury trial. Any appeal on a misdemeanor decision shall be directly to the supreme court on issues of law only.

The bill makes an appropriation to the supreme court for purposes of establishing the pilot program.

Rep. DePecol spoke against.

Rep. Murphy spoke in favor.

On a division vote 292 members having voted in the affirmative and 20 in the negative, the committee amendment was adopted.

Rep. Ouellette notified the Clerk that he wished to be recorded in favor of the committee amendment.

Report adopted.

Referred to Appropriations.

**HB 285-A**, relative to constructing regional vocational centers and making an appropriation therefor. OUGHT TO PASS.

Rep. Roland A. Frechette for Public Works: This is the last of the 20 planned centers and provides students in the Peterborough and surrounding communities the same opportunities as other students in the state. The community strongly supports this bill. Vote 11-3.

The Committee offered a floor amendment.

4317L

#### Floor Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 1992.

Rep. Gene Chandler spoke in favor.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 469-A**, relative to improvements on route 106 and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

Rep. David J. Alukonis for Public Works: The amendment totally replaces the original bill. The ten-million dollar appropriation in the amendment is not new money. It is money which has already been appropriated for Route 106 in the 10-year plan. The amended bill is needed to emphasize and prioritize the application of the funds towards the preservation and purchase of right-of-way in a manner consistent with the "Highway Corridor Protection Act" which was passed last year. Vote 14-0.

3926L

#### Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Appropriation. The sum of \$10,000,000 is hereby appropriated for the biennium ending June 30, 1993, to the department of transportation for the costs of rights-of-way acquisition, planning, design, engineering studies, and construction, for improvements to New Hampshire route 106 from Concord to Laconia. The emphasis of the expenditure of these funds shall be on preservation of the right-of-way for the ultimate build out and construction which will address areas of high daily and peak traffic volumes, or high daily or peak traffic volumes.

2 Bonds. To provide funds for the appropriation in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$10,000,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provision of RSA 6-A. This appropriation shall be non-lapsing and in addition to any other appropriations for the department of transportation. The department may accept funds from any

other sources for this project and the appropriation shall be reduced by the amount of any such funds made available.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill authorizes the department of transportation to acquire rights-of-way, and to plan, design, conduct engineering studies and make improvements to New Hampshire route 106 from Concord to Laconia, for preservation of the right-of-way for the ultimate build out and construction which will address areas of high daily and peak traffic volumes, or high daily or peak traffic volumes.

This bill also authorizes the state treasurer to issue bonds and notes to provide funds for the purposes of this bill.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 505-FN**, relative to the distribution of the normal yield tax. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Howard C. Dickinson for the Majority of Resources, Recreation and Development: This bill, as amended, 1. Clarifies legislation passed in 1969 which was intended to relieve landowners from the need to post bonds before filing an "intent to cut" application for timber harvesting. 2. Extends reporting deadline of the clearcut study committee until November 1, 1992. 3. Specifies that revenues from the state nursery and from the sale of timber products from lands managed by the Department of Resources and Economic Development be dedicated to forest management and protection by the Division of Forests and Lands. 4. Clarifies legislation passed in the 1991 session concerning the filing of the report of timber cut in a timely manner. Vote 13-1.

Rep. Steven R. Maviglio for the Minority of Resources, Recreation and Development: In this period of fiscal crisis, it seems inappropriate to set up a dedicated fund from existing revenues, which is what this legislation, as amended, proposes. If approved, the Division of Forests and Lands would be excluded from any cuts in this year's budget and in the future. The Minority believes that this agency's budget should be subject to the same budget scrutiny as every other division in state government will be.

4371L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the normal yield tax, the extension of the reporting  
deadline for the study committee on clearcutting forest  
resources, the report of cut, and establishing a  
forest management and protection fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Certain Real Property Owners Exempted. Amend RSA 79:10-a, II to read as follows:

II. No owner required to furnish bond or other security in accordance with RSA 79:3-a shall commence to cut or continue to cut until he has posted the bond or other security; *however, no owner who owns land in the town where he intends to cut shall be required to post a bond or other security as a condition for filing an intent to cut or receiving a permit to cut, unless such owner intends to cut on public lands.*

2 Report Required. Amend RSA 79:11 to read as follows:

79:11 Report.

I. Every owner who has filed a notice of intent to cut as provided in RSA 79:10 shall make under the penalties of perjury and file with the assessing officials a report of all wood and timber cut within 60 days after completion of an operation. The report shall be upon a form provided by the commissioner of revenue administration, with 2 copies to be sent to him. The report shall state if no growing wood and timber was cut on an operation for which a notice of intent to cut was filed. The assessing officials may require that a report of cut be filed immediately upon the completion or termination of the cutting referred to in a notice of intent to cut. Reports of cut shall contain the name, residence, and social security number of the owner, volume of wood and timber cut by species or species group and primary products, and such other information as may be necessary to enable the assessing officials to locate, identify, verify and determine the full amount and true stumpage value of all wood and timber cut on the operation for which the report is filed. In addition, the person who did the cutting or the person responsible for the cutting must sign and verify the volumes of wood and timber reported to have been cut by the owner. The commissioner of revenue administration shall send one copy of the report of cut to the division of forests and lands of the department of resources and economic development. A report of wood and timber severed covering operations still in progress through March 31 of any year shall be filed not later than April 15 of said year for all wood and timber severed during the tax year up to and including March 31.

II. *Notwithstanding the provisions of paragraph I, any owner who has commenced cutting operations under a valid notice of intent to cut prior to April 1, which notice has been extended to June 30 under provisions contained in RSA 79:10, II, shall be required to file the report of cut as required in paragraph I of this section within 30 days of the completion of the operation or by August 31, whichever occurs first.*

3 New Paragraph; Forest Management and Protection Fund Established. Amend RSA 219:14 by inserting after paragraph I the following new paragraph:

I-a. All revenue derived from sales of forest products from properties managed by the division of forests and lands of the department of resources and economic development and all revenue derived from the sale of nursery stock raised at the state forest nursery shall be kept by the state treasurer in a separate account as a continuous fund to be known as the forest management and protection fund from which the expenses of forest management and protection of department of resources and economic development lands and other lands under the protection of the division of forests and lands of the department of resources and economic development may be paid. Such funds shall not lapse until the close of the second fiscal year of each biennium.

4 Reporting Deadline Extended. Amend 1991, 375:2, III to read as follows:



III. The study committee shall also investigate the findings on clearcutting of other New England states, and its recommendation shall be in the form of a report to be submitted by November 1, [1991] **1992** to the governor, the president of the senate, and the speaker of the house. A study committee goal will be to distribute this report to the general public as widely as possible, using ongoing appropriate public and private program efforts.

5 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

(a) Exempts any landowner who owns land in the town in which the landowner intends to cut growing wood or timber from posting a bond prior to engaging in the cutting, unless it shall occur on public lands.

(b) Extends the reporting deadline for the study committee on clearcutting forest resources from November 1, 1991, to November 1, 1992.

(c) Requires filing of a report of cut within 30 days of the completion of valid cutting operations.

(d) Establishes the forest management and protection fund for the payment of department of resources and economic development lands' management and protection.

Adopted.

Majority report adopted.

Referred to Appropriations.

**HB 695-FN**, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leon Calawa, Jr. for State Institutions and Housing: The Committee did the best it could to correct a problem that has bothered the mobile homeowner and tenant associations. Vote 10-6.

SPECIAL ORDER

Rep. Tufts moved that **HB 695-FN**, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks, be made a special order for January 9.

Adopted.

**HB 367-FN**, relative to the profession of engineering. **INEXPEDIENT TO LEGISLATE.**

Rep. Lawrence A. Emerton for Executive Departments and Administration: The Subcommittee working on this legislation met many times, with many representatives of the various engineering disciplines, received much input and considered all possibilities. Even though the goals of the bill were honorable in intent, they were not accomplished in the present construction of the bill.

It was felt that passage of the bill would result in irreparable harm to many people who are not professional engineers. The bill is too harsh in that testimony given stated that there are at least 40 to 50 types of engineering areas, and more coming "on line" all the time, and this bill would require ALL to be licensed. Also if all were licensed, they could, under this bill, be prosecuted in court by any member or agent of the Engineering Board.

Several people that testified said they felt that there should be licensing of other types of engineers. Vote 14-0.

#### MOTION TO SPECIAL ORDER

Rep. John Chandler moved that **HB 367-FN**, relative to the profession of engineering be made a Special Order for January 9 at the end of the regular calendar, and spoke in favor.

Rep. Ward spoke against and yielded to questions.

Motion to Special Order failed.

Rep. Emerton spoke in favor of the Committee report.

#### MOTION TO LAY ON THE TABLE

Rep. John Chandler moved that **HB 367-FN**, relative to the profession of engineering, be laid on the table.

Motion to table failed.

Report adopted.

**HB 214-FN-A**, creating a new class of highways for access to public waters and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard W. Lougee for Fish and Game: This is a companion bill to House Bill 601 which was re-referred to Resources, Recreation and Development and recommended to be sent to Interim Study. It creates and defines class III-A highways, allowing the Fish and Game Department to propose and manage boating access to New Hampshire public waters. Vote 17-0.

Rep. Kinney moved that the words Recommit to the Committee on Resources, Recreation and Development be substituted for the report of the Committee, Ought to Pass with Amendment.

Recommitted to Committee.

**HB 24-FN**, prohibiting departments from mandating by rule programs or responsibilities to political subdivisions without full funding. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Young for Legislative Administration: It was the feeling that with a task force currently working on unfunded mandates, that the Rules Committee would consider further legislation without the same constrictive deadlines. Vote 14-0.

Reps. Horton and David Young spoke in favor.

Adopted.

**HB 601-FN-A**, establishing a public access advisory board and a statewide public boat access program on public waters and continually appropriating a special fund for the purposes of the program. **REFER FOR INTERIM STUDY.**

Reps. Peter M. Jankowski and Howard C. Dickinson for Resources, Recreation and Development: While the Committee, the Fish and Game Department, and various public citizen groups all agreed that support exists for a statewide public access program for our water bodies, House Bill 601 does not provide a sufficient funding mechanism nor does it clarify the acquisition, design, construction, or maintenance issues. Believing that this subject is worthy of further study, the Committee anticipates that appropriate legislation will be ready for introduction in the 1993 session. Vote 13-2.

Rep. Dickinson moved that the works Recommit to Committee be substituted for the report of the Committee, Refer for Interim Study.

Recommitted to Committee.

**HB 642-FN**, relative to the regulation of cable television. **INEXPEDIENT TO LEGISLATE**.

Rep. Karen K. McRae for Science, Technology and Energy: The bill asked more questions than could be answered in the time frame. Also, in view of the pending federal legislation, it seemed imprudent to enact legislation on the state level which might come in conflict with federal regulations. Vote 9-0.

Rep. Ferguson moved that the words Refer to Interim Study be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Vogler spoke against.

Rep. Leonard Smith spoke in favor.

On a division vote, 142 members having voted in the affirmative and 172 in the negative the motion failed.

Report adopted.

**SB 193-FN**, relative to limits on motorboat speeds. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Gordon E. Bartlett for Transportation: This bill establishes a pilot program on Newfound Lake restricting the speed limit between July 1 and the day after Labor Day during the 1992 boating season. This shall be monitored by the Department of Safety and results reported back to the committee by October 1, 1992.

The bill also makes changes in RSA 270:12 by requiring the Commissioners of Safety to hold hearings on maximum horsepower and maximum speed after being petitioned by 25 persons. Vote 10-0.

### **SPECIAL ORDER**

Rep. Shackett moved that **SB 193-FN**, relative to limits on motorboat speeds, be made a special order for January 14, 1992, spoke in favor and yielded to questions.

Adopted.

### **RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet January 9, 1992 at 1:00 p.m.

Adopted.

### **LATE SESSION**

#### **Third reading and final passage**

**HB 321-FN**, relative to small employer insurance.

**HB 411**, relative to discrimination in the issuance of health insurance policies and relative to access to group plans.

**HB 326-FN**, relative to disciplinary hearings before the pharmacy board.

**HB 446-FN**, relative to the board of registration in medicine and relative to the definition of psychologist.

**SB 16-FN**, relative to the board of dental examiners.

**SB 62-FN**, relative to licensure of athletic trainers.

**HB 562**, extending the surgical authority of podiatrists.

**HB 726-FN-A**, relative to fees charged for vital records.

**HB 503**, relative to recovery of medical assistance payments.

**HB 534-FN**, amending the habitual offender penalties to provide for special alternative incarceration.

**HB 675-FN**, relative to DWI penalties while operating a motor vehicle, OHRV, or boat or while transporting a child.

**HB 758-FN**, relative to the right to privacy act.

**HB 379-FN**, relative to advertising devices within highway rights-of-way.

**SB 60-A**, creating a task force to study the Laconia - I-93 connector highway.

**HB 747-FN**, establishing a committee to study ways for retail liquor store operations to maximize state revenues while maintaining adequate service to the community and allowing the liquor commission to vary its liquor prices from store to store.

**HB 714-FN**, relative to a life saver i.d. program.

**HB 716-FN**, relative to establishing a committee to study septic-related issues.

**SB 107-FN**, relative to tenants' security deposits.

### SENATE MESSAGE

#### CONCURRENCE

**HB 1000**, establishing a study committee on certain issues regarding the next constitutional convention and authorizing a special election for electing Concord charter commission members.

### REMARKS

Rep. Grodin: addressed the House.

Mr. Speaker and Members of the House. It is my sad duty to inform you that, as death must come to all men, so last Friday night it came to Ezra B. Mann, II, who we all knew, loved, sometimes feared and revered.

Rep. Mann was a veteran of 18 years in this House, serving almost all of his time on the Municipal and County Government Committee, where he was chairman for 12 years. Rep. Mann was a fierce fighter for municipal rights and also for the rights of those who live in mobile homes, now called manufactured housing.

With reverence, affection and in recognition of his fine contributions, I would ask, Mr. Speaker, that the House rise for a moment of silence in his honor.

Amen and thank you.

Rep. Gross moved that the remarks of Rep. Grodin be printed in the Journal.  
Adopted.

Rep. Michael Hill moved that the House adjourn.  
Adopted.

The House adjourned at 4:20 p.m.



## HOUSE JOURNAL No. 2

Thursday, January 9, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

The Speaker introduced the Reverend Edward G. Horstmann of Hopkinton, the choice of the Chaplain Committee for the 1992 session, who offered the prayer.

Gracious and compassionate God, grant us such warmth of heart, sharpness of mind and integrity of spirit that we may be tender and energetic ambassadors of Your peace. Inspire us with Your compassion that we may comfort, uphold and support one another. Fill us with a holy hunger for Your justice; grant us the courage to recognize those things about ourselves that foster cynicism and despair; and make us ever mindful, O God, of those whom we serve, lest we become deaf to their voices, unsympathetic to their fears and unchallenged by their hopes.

We ask all of these prayers, good Lord, in Your name, and according to Your will. Amen.

Rep. Carpenter led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Jelley, Lynch, Baker, Champagne, Feuerstein, Ralph Torr, Parks, Fair, Pignatelli, Marston, Morse, Kilbride, Terninko, Daniel Healy, Annette Cooke and Magoon, the day, illness.

Reps. Hynes, Schmidchen, Paquette, Bickford, Hanselman, David Flanders, Keith, Leclerc, Andrew Christie, Valerie Cook and Gagnon, Whittemore, the day, important business.

Rep. O'Rourke, the day, illness in the family.

### INTRODUCTION OF GUESTS

Robert Lolley, guest of Rep. Andrews. Linda Bretz, guest of Rep. Bonnie McCann. Students and instructor of the Alvirne High School Science and Recycling club, guests of the Hudson Delegation.

### ENROLLED BILLS REPORT

**HB 1000**, establishing a study committee on certain issues regarding the next constitutional convention and authorizing a special election for electing Concord charter commission members.

Sen. Currier, Rep. Dunn, for the Committee

### VACATES

Rep. Hager moved that the House vacate the reference of **HB 1218-FN-A**, authorizing the North Conway water precinct to hire a consultant to study the sewerage situation and making an appropriation therefor to the Committee on Appropriations.

Adopted and referred to Resources, Recreation and Development.

Rep. Hager moved that the House vacate the reference of **HB 1447-FN**, increasing witness fees for law enforcement to the Committee on Appropriations.

Adopted and referred to Judiciary.

Rep. Horton moved that the House vacate the reference of **HB 1253**, requiring the bank commissioner to report to the legislature at public hearings twice per year, to the Committee on Legislative Administration.

Adopted and referred to Commerce, Small Business and Consumer Affairs.

Rep. Dickinson moved that the House vacate the reference of **HB 1231**, regulating the transportation, utilization and disposal of septage and sludge through the administration of a permit system that is no more stringent than federal law, to the Committee on Resources, Recreation and Development.

Adopted and referred to Environment and Agriculture.

### **SPECIAL ORDER**

**HB 695-FN**, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leon Calawa, Jr. for State Institutions and Housing: The Committee did the best it could to correct a problem that has bothered the mobile homeowner and tenant associations. Vote 10-6.

4202L

### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Board Established. Amend RSA 205-A by inserting after section 24 the following new subdivision:

#### **Board of Manufactured Housing**

205-A:25 Board Established; Members; Terms; Chairperson.

I. There is hereby created a board of manufactured housing consisting of 7 members. The members of the board shall be:

(a) Three public members, appointed by the governor.

(b) A member of the house of representatives, appointed by the speaker of the house.

(c) A member of the senate, appointed by the president of the senate.

(d) One member appointed by the governor with the approval of the council, from a list of 2 persons, one of whom shall be nominated by the New England Manufactured Housing Association, and the other, a person nominated by the New Hampshire Manufactured Housing Association.

(e) One member from 2 persons nominated by the Mobile Homeowner Tenant Association, appointed by the governor with the approval of the council.

II. Except for the legislative members, each person shall serve for a 3-year term and until a successor is appointed and qualified, provided, however, that the initial appointments shall be as follows: the 3 public members shall be appointed to 3-year terms, and the member from the housing association and the tenants association shall serve one year terms. The legislative members shall serve terms which are coterminous to their terms in the general court.

III. The chairperson shall be chosen from among the members at the initial organizational meeting and shall serve at the pleasure of the members of the board.

IV. If there is a vacancy on the board, the provisions of RSA 21:33-a and 21:34 shall apply to the public members, as well as to the members appointed pursuant to subparagraphs I(d) and (e). If there is a vacancy in the members appointed by the president of the senate or the speaker of the house, the president of the senate or the speaker of the house shall appoint additional members to fill the vacancy.

V. The board shall hold meetings every 90 days and may meet more frequently as deemed necessary by the board.

205-A:26 Quorum, Disqualification of Members; Compensation.

I. A majority of the board shall constitute a quorum to conduct hearings, and a vote of at least 3 members present and voting in favor shall be required to adopt and approve any matter under consideration.

II. A board member may disqualify himself relative to any matter before the board, or if the board votes that any member has or may have a conflict of interest in any matter before the board, that member shall be disqualified to sit as a board member on the particular matter. The board may hear the matter if it has a quorum. If the board does not have a quorum, the governor shall appoint an additional public member to hear the particular matter pending before the board.

III. The legislative members of the board shall receive legislative mileage. The remaining members shall receive mileage at the state employee rate.

205-A:27 Jurisdiction; Procedure.

I. The board shall hear and determine matters involving manufactured housing park rules, specifically RSA 205-A:2, RSA 205-A:7, and RSA 205-A:8.

II. Notwithstanding any other provision of law to the contrary, the board shall not have jurisdiction over any issues relative to rent or rental increases or jurisdiction over evictions.

III. In addition to what is specifically provided by law, wherever the superior court has jurisdiction, the board shall have concurrent jurisdiction with respect to issues concerning manufactured housing rules.

IV.(a) Any resident of a manufactured housing park or any owner of a manufactured housing park may petition the board by filing a complaint with the board and paying a \$25 filing fee which shall be used to defray the costs of the board. After review of the claim and a decision by the board that the matter has merit and is not frivolous, the board shall schedule a hearing within 60 days from the receipt of the claim. If the board finds the claim to be without merit or to be frivolous, it shall dismiss the complaint and explain in writing to the complainant its reasons for dismissing the complaint.

(b) The board shall serve notice, in writing, of the time and place of the hearing upon all appropriate parties at least 20 days prior to the date of the hearing. Both parties to the complaint may be represented by counsel.

(c) All hearings held by the board shall be held pursuant to RSA 541-A:16-21 unless such proceedings are specifically inconsistent by the provisions of this subdivision. All hearings of the board shall be subject to the provisions of RSA 91-A. The board shall not be bound by common law or statutory rules of evidence but may admit all testimony having a reasonable probative value. It may exclude evidence which, in the opinion of the board, is immaterial, irrelevant, or unduly repetitious. The board may subpoena witnesses and compel their attendance. It may also require the production of books, papers and documents.

205-A:29 Decisions; Judicial Review and Enforcement.

I. When the board makes its decision, an order shall be made in writing and shall include findings of facts and conclusions of law separately stated. The findings of facts shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The parties shall be notified by mail of any decision or order.

II. After a decision of the board, the board shall, at the request of either party or upon its own motion, file a certified abstract thereof with the clerk of the superior court in the county of residence of the complainant. The clerk of the court shall enter judgment thereon, and such judgment may be enforced in the same manner as any final judgment of the superior court.

III. A decision by the board may be appealed, by either party, to the superior court or, at the appellant's option, pursuant to RSA 541.

IV. Any party to or participating in the action and proceeding before the board may apply for a rehearing and may appeal to the superior court for the county in which either party resides in the same procedure as provided for appeals in RSA 677:2-14 inclusive. Service of the appeal shall be made on any member of the board, and the superior court shall have the same jurisdiction to dispose of the appeal as provided in RSA 677:2-14 governing appeals.

205-A:29 Office. The board shall be provided with an office in Concord, New Hampshire, in which its records, documents and books shall be kept and with a suitable room which may be used to hold hearings.

205-A:30 Notification and Cooperation Required. The board shall notify the bureau chief of the consumer protection and antitrust bureau, department of justice that the board may accept and act on written complaints properly forwarded to it by such bureau relative to manufactured housing.

205-A:31 Funding. An administrative fee of \$5 per year on April 1 is assessed on each manufactured home in a manufactured housing park, to be paid by the resident or residents of the manufactured home. In addition, an administrative fee of \$1 per year on April 1 is assessed on each manufactured home in a manufactured housing park, to be paid by the manufactured housing park owner. The fee shall be for the purpose of establishing and maintaining the board established in RSA 205-A:25. The selectmen or other local assessing officials shall commit the fees to the municipal tax collector, together with a warrant requiring the collector to collect the same from the manufactured housing park tenants and manufactured housing park owners, and to pay the amount so collected to the municipal treasurer. Within 30 days after the receipt of such warrant, the collector shall send a bill as provided in RSA 76:11. Interest as provided in RSA 76:13 shall be charged on any amount not paid within 30 days after the bill is mailed. The collector shall have the same rights and remedies as in the collection of taxes, as provided in RSA 80. The municipal treasurer shall forward the amounts collected to the board. Notwithstanding RSA 6:12, the amount raised under this section and RSA 205-A:27, IV(a) shall be kept by the board in a special fund known as the manufactured housing board fund to be used exclusively for the administrative costs of the manufactured housing board and shall not be diverted for any other purpose.

205-A:32 Rulemaking. The board shall adopt rules under RSA 541-A relative to the administration of the manufactured housing board fund established in RSA 205-A:31 and any other matter necessary to the administration of this subdivision.

2 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (uu) the following new subparagraph:

(vv) Moneys received under RSA 205-A:25 - 205-A:31, which shall be credited to the manufactured housing board fund.

3 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill establishes a board of manufactured housing to address grievances of tenants and owners of manufactured housing parks. The board's jurisdiction is to be concurrent with the superior court in the county in which the manufactured housing park is located. The board does not have jurisdiction over issues relative to rent or eviction.



The manufactured housing board is to be funded through a filing fee and an administrative fee to be collected through property taxes assessed on manufactured housing. Adopted.

Report adopted.

Referred to Appropriations.

### COMMITTEE REPORTS REGULAR CALENDAR

**HB 338-FN**, prohibiting the detention of minors in adult correctional facilities and jails. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David R. Connell for Children, Youth and Juvenile Justice: This bill makes certain changes in the delinquent children and CHINs statutes limiting the circumstances in which juveniles may be detained. The amendment would bring the statutes into compliance with Federal laws, and the Committee believes the amendment is sound policy. Vote 14-0.

4066L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Release Prior to Arraignment. Amend RSA 169-B:11, III to read as follows:

III. If the court determines that continued detention is required, based upon the criteria specified under RSA 169-B:14, I(e)(2), it may order continued detention at [a police station, jail, or] an alternative to secure detention, or any facility certified for the detention of minors by the director of the division for children and youth services; provided, that any minor so detained shall not be placed in a facility in which the minor can come into contact with an adult charged, convicted or committed for a criminal offense. Every effort shall be made to prevent a delinquent offender or accused offender who is a minor from being held more than 6 hours in any police lock-up, jail, or any form of secure detention designed primarily to house adult offenders or accused offenders]. *A minor shall not be held in any facility where adults charged, convicted or committed for criminal offenses are simultaneously detained except that a juvenile alleged or found to be delinquent may be held for up to 6 hours in a metropolitan area or up to 24 hours in a non-metropolitan area for processing and while awaiting release or transfer to a juvenile facility, provided that the detention is in a room or cell separate and removed from all contact, both sight and sound, with all adult inmates.*

2 No Detention at Jail. Amend RSA 169-B:15 to read as follows:

169-B:15 No Detention at Jail. Following arraignment no minor shall be detained [at a jail or police station or other place where he can come in contact with any adult under arrest, charged with a criminal offense or serving sentence under conviction of crime; provided that a minor whose habits or conduct are found likely to promote serious bodily harm to himself or to other minors may by order of the court be detained in a jail or other place of detention for adults but in a separate room or ward provided that services afforded adults be available to the minor and provided that the room or ward not be one used for solitary confinement for adults] *in any facility where adults charged, convicted or committed for criminal offenses are simultaneously detained.*

3 Lock-up Log. Amend RSA 169-B:15-a to read as follows:

169-B:15-a Lock-up Log; Establishment and Contents. Each [county correctional facility, police lock-up, and any] facility used by law enforcement, county sheriffs, or

state police to securely detain minors must establish a lock-up log for all minors securely detained. The log must contain the identification number, the charge, the date and time locked in secure detention, the date and time released from secure detention, to whom released, and reason for secure detention. The log shall be kept confidential both by the agency or facility which maintains it and by the division for children and youth services, which shall receive copies of the log, January 1 and June 1 of each year, beginning January 1, 1989.

4 Delinquent Children Over 17; Detention. Amend RSA 169-B:19, III to read as follows:

III. A minor found to be a delinquent after his seventeenth birthday, in addition to or in place of the dispositions provided for in paragraph I, may be committed to a county correctional facility for no greater term than an adult could be committed for a like offense; provided, however, *that during his minority he shall not be confined in a county correctional facility and provided further* that said term [may] *shall* not extend beyond his nineteenth birthday [and provided further that during his minority he may not be confined in a county correctional facility unless he can be separated from adults as provided in RSA 169-B:15].

5 Limitations of Authority. Amend RSA 169-B:32 to read as follows:

169-B:32 Limitations of Authority Conferred. This chapter shall not be construed as applying to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an aeronautics law, a law relating to navigation or boats, a fish and game law, a law relating to title XIII or any town or municipal ordinance which provides for a penalty not exceeding \$100 plus the penalty assessment. *However, if incarceration takes place at any stage in proceedings on such violations, incarceration shall be only in a juvenile facility certified by the director of the division for children and youth services.*

6 Children in Need of Services; Secure Detention Prohibited. Amend RSA 169-D:9-b is repealed and reenacted to read as follows:

169-D:9-b Prohibited Manner of Detention. Notwithstanding any other provisions of law, no child detained under this chapter shall be held for any period of time in a public or private facility, which includes construction fixtures designed to physically restrict the movements and activities of persons in custody, including but not limited to locked rooms and buildings, fences, or other physical structures. This section shall not be construed to prohibit detention in facilities where physical restriction of movement or activity is provided solely through facility staff.

7 Effective Date. This act shall take effect January 1, 1993.

Adopted.

Report adopted.

Ordered to third reading.

**HB 470**, relative to health maintenance organizations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs: The proposed amendment to House Bill 470 establishes a study committee to study the feasibility of prohibiting health insurers from selective contracting with pharmacies. After the third Subcommittee work session and reporting to the whole Committee it was determined that a study was needed in order to try to resolve the existing problem. Vote 12-5.

3980L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing a committee to study the feasibility of prohibiting health insurers from selective contracting with pharmacies.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is hereby established a committee to study the feasibility of prohibiting health insurers, hospital service corporations, medical service corporations, nonprofit health service corporations, preferred provider organizations, and health maintenance organizations from selective contracting with pharmacies.

2 Committee Membership. The committee shall be composed of the following:

I. The insurance commissioner, or designee.

II. Two representatives, appointed by the speaker of the house.

III. Two senators, appointed by the senate president.

IV. The president of the New Hampshire Pharmacists Association, or his designee.

V. The director of Professional Affairs for Pharmacy Review Institute, or his designee.

VI. A representative of the American Association for Retired Persons, appointed by the governor.

VII. An independent pharmacist, appointed by the New Hampshire Pharmacists Association.

VIII. A representative of chain pharmacies, appointed by the board of pharmacy.

IX. A representative of the commercial health insurance industry, appointed by the insurance commissioner.

X. The president of the Business and Industry Association of New Hampshire, or his designee.

XI. The president of the New Hampshire Association of Commerce and Industry, or his designee.

XII. A representative of Blue Cross-Blue Shield, appointed by Blue Cross-Blue Shield.

XIII. A representative of Healthsource, Inc., appointed by Healthsource.

XIV. A representative of Matthew Thornton, appointed by Matthew Thornton.

3 Duties.

I. The committee shall study the feasibility of prohibiting all manner of health insurers from selective contracting with pharmacies.

II. The committee shall hold its first meeting within 45 days after the effective date of this act and the first appointed state representative shall serve as chairman.

III. The committee shall report its findings and make recommendations for legislation to the governor, speaker of the house and senate president on or before November 1, 1992.

4 Compensation. Committee members shall not be compensated, except that legislative members shall receive mileage at the legislative rate.

5 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill creates a committee to study the feasibility of prohibiting all health insurers from selective contracting with pharmacies.

Adopted.

Rep. Lozeau offered a floor amendment.

4039L

**Floor Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to health maintenance organizations.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Pharmacies. Amend RSA 420-B:12 by inserting after paragraph IV the following new paragraph:

V. Every health maintenance organization which solicits bids from pharmacies for contracts to be preferred providers shall accept and list as preferred providers all pharmacies which meet the bid acceptable to the health maintenance organization.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill requires a health maintenance organization to accept and list as preferred providers all pharmacies which meet the bid acceptable to the health maintenance organization.

Rep. Lozeau spoke in favor and yielded to questions.

Reps. Guay and Hogan spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 195****NAYS 132****YEAS 195****BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Joscelyn, William W.  
Salatiello, Thomas B.

Bartlett, Gordon E.  
Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Shibley, Arnold P.

Cain, Thomas G.  
Hawkins, Robert S.  
Rosen, Ralph J.  
Ziegra, Alice S.

**CARROLL**

Bradley, Jeb E.  
Jean, Robert R.

Daly, Robert J., Jr.

Dodge, A. Gibb, Jr.

**CHESHIRE**

Burnham, Daniel M.  
Grodin, Richard A.  
Metzger, Katherine H.  
Riley, William A.

Clark, Eugene W.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.

Doucette, Richard F.  
LaMar, David M.  
Pratt, Irene A.

**COOS**

Coulombe, Henry W.  
Marsh, Beaton  
Oliver, Terry D.

Hawkinson, Marie C.  
Mayhew, Josephine

Horton, Lynn C.  
Nelson, Harold D.



**GRAFTON**

Adams, Carl S.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.

Bean, Pamela B.  
Driscoll, William J.  
Markley, J. Keith  
Stewart, Roger D.

Brown, Patricia B.  
Guest, Robert H.  
McIlwaine, Deborah P.

**HILLSBOROUGH**

Ackerman, Philip M.  
Arnold, Barbara E.  
Bowers, Dorothy C.  
Calawa, Leon, Jr.  
Crotty, Edward J.  
Dodge, Emma M.  
Durham, Susan B.  
Emerton, Lawrence A.  
Ford, Nancy M.  
Goulet, Maurice E.  
Hall, Betty B.  
Jasper, Shawn N.  
Jordan, Mary H.  
King, Frank P.  
Lachut, Ervin R.  
Lefebvre, Roland J.  
Martin, Mary Ellen  
McRae, Karen K.  
Murphy, Robert E.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Tarpley-Bamberger, Nancy L.  
Upton, Barbara A.  
White, John M.

Amidon, Eleanor H.  
Asselin, Robert P.  
Buckley, Raymond  
Carpenter, Karen A.  
Daigle, Robert A.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Ferguson, Charles  
Gage, Ruth E.  
Green, Scott E.  
Hultgren, David D.  
Jean, Romeo W.  
Kelley, Dana F.  
Kurk, Neal M.  
Laroche, Roger B.  
Lown, Elizabeth D.  
McDowell, James E.  
Messier, Irene M.  
Nardi, Theodora P.  
Rothhaus, Finlay C.  
Soucy, Donna M.  
Tate, Joan C.  
Vanderlosk, Stanley R.  
Wright, George W.

Andrews, Frederick B.  
Baldizar, Barbara J.  
Burke, Stephen J.  
Cote, David E.  
Daniels, Gary L.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Haettenschwiller, Alphonse  
Janas, Gregory  
Johnson, Lionel W.  
Kelley, Robert N.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Reidy, Frank J.  
Sallada, Roland A.  
Stiles, Walter A.  
Turgeon, Roland M.  
Wheeler, David K.

**MERRIMACK**

Anderson, Eleanor M.  
Braiterman, Thea  
Fillion, Paul R.  
Holmes, Mary C.  
Johnson, Joyce M.  
Millard, Elizabeth S.  
Stapleton, Henry F.

Apple, Lowell D.  
Chandler, John P.  
Gilbreth, Robert M.  
Jacobson, Alf E.  
Letourneau, George E.  
Molner, Mary E.  
Teague, Bert

Barberia, Richard A.  
Dunn, Miriam D.  
Hall, Douglas E.  
Johnson, C. William  
Lewis, Mary Ann  
Smith, Gerald R.  
Yeaton, Charles B.

**ROCKINGHAM**

Bell, Juanita L.  
Caswell, Albert, Jr.  
DiPietro, Carmela M.  
Ford, Bert H.  
Haynes, Richard  
Hurst, Sharleene P.  
Katsakiores, George N.  
MacKinnon, Nancy W.  
Melnick, Roy E.

Boucher, William P.  
Chulack, Peter G., Sr.  
Drake, Herbert R.  
Gage, Beverly A.  
Hoar, John, Jr.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
McCarthy, John J., Jr.  
Pantelakos, Laura C.

Campbell, Marilyn R.  
Clark, Martha Fuller  
Dube, LeRoy S.  
Griebsch, Linda  
Hoelzel, Kathleen M.  
Kane, Cecelia D.  
Lovejoy, Virginia K.  
McGovern, Cynthia A.  
Parr, Ednapearl F.

Raynowska, Bernard J.  
Schanda, Joseph, Sr.  
Smith, Arthur W.  
Vaughn, Charles L.

Rosencrantz, James R.  
Seward, Russell G.  
Sytek, Donna P.  
Wells, Henry E.

Roulston, Donald L.  
Skinner, Patricia M.  
Sytek, John J.  
Woods, Deborah L.

### **STRAFFORD**

Frechette, Roland A.  
Hashem, Elaine M.  
Martling, W. Kent  
Pelley, Janet R.  
Vincent, Francis C.

Gilmore, Gary R.  
Jankowski, Peter M.  
Messier, Donald R.  
Spencer, Leo J.  
Wall, Janet G.

Hambrick, Patricia A.  
Keans, Sandra B.  
O'Brien, John  
Sullivan, Henry P.  
Wheeler, Katherine W.

### **SULLIVAN**

Burling, Peter Hoe  
Harland, Jane A.

Domini, Irene C.  
Walsh, Robert R.

Flint, Gordon B.

### **NAYS 132**

### **BELKNAP**

Dewhirst, Glenn E.  
Turner, Robert H.

Holbrook, Robert G.  
Vogler, Charles C.

Johnson, Carl R.  
Zaharchuk, Peter J., Jr.

### **CARROLL**

Allard, Nanci A.  
Dickinson, Howard C.  
Wiggin, Allen R.

Beach, Mildred A.  
Foster, Robert W.  
Wiggin, Gordon E.

Chandler, Gene G.  
Saunders, Howard N.

### **CHESHIRE**

Cole, Stacey W.  
Hunt, John B.  
Mohr, Frederick C., Jr.  
Young, David A.

Feuer, Joseph N.  
Kennison, Wayne A.  
Perry, David M.

Hogan, James B.  
Laurent, John J.  
Sawyer, Alfred P.

### **COOS**

Guay, Lawrence J.  
Theriault, Romeo J.

Merrill, Gerald P.

Pratt, Leighton C.

### **GRAFTON**

Arnesen, Deborah L.  
Christy, C. Dana  
Lougee, Richard W.  
Trelfa, Richard T.  
White, Paul R.

Brown, Channing T.  
Hill, Richard L.  
Scanlan, David M.  
Wadsworth, Karen O.

Chambers, Mary P.  
LaMott, Paul I.  
Shackett, Ralph E.  
Ward, Kathleen W.

### **HILLSBOROUGH**

Alukonis, David J.  
Desrosiers, William J.  
Fenton, James J.  
Healy, Walter F.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Packard, Bonnie B.  
Rheault, Lillian I.  
Wheeler, Robert L.

Chasse, Richard D.  
Drolet, Paul L.  
Fields, Dennis H.  
Holden, Carol H.  
Lawrence, Norman B.  
Mercer, Robert S.  
Peters, Stanley W.  
Riley, Frances L.

Cowenhoven, Garret P.  
Dyer, Merton S.  
Greenglass, Alan B.  
Keane, Cornelius J.  
Mason, Howard F.  
Ouellette, Robert O.  
Record, Alice B.  
Searles, Stanley N., Sr.

**MERRIMACK**

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Gross, Caroline L.  
 Kidder, William F.  
 Soldati, Jennifer G.  
 Wallner, Mary Jane

Beucher, Laurent J.  
 Christie, Thomas J.  
 Hager, Elizabeth S.  
 Lockwood, Robert A.  
 Stio, Peter M.  
 Weeks, John F., Jr.

Carter, Susan D.  
 Daneault, Gabriel J.  
 Hayes, Robert C.  
 Nichols, Avis B.  
 Trombly, Rick A.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Coffey, John J.  
 Cote, Patricia L.  
 Felch, Charles H., Sr.  
 Greene, Elizabeth A.  
 Malcolm, Kenneth W.  
 Packard, Sherman A.  
 Simon, Peter M.  
 Warburton, Calvin

Benton, Richardson D.  
 Connell, David R.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Katsakiores, Phyllis  
 McCain, William F.  
 Rubin, George R.  
 Syracuse, Anthony  
 Welch, David A.

Buco, Stephen W.  
 Conroy, Janet M.  
 Dowling, Patricia A.  
 Flanders, John W., Sr.  
 Klemm, Arthur P., Jr.  
 McKinney, Betsy  
 Senter, Marilyn P.  
 Tufts, Arthur

**STRAFFORD**

Appleby, James E.  
 Douglass, Clyde J.  
 Kinney, Paula J.  
 Musler, George T.  
 Torr, Ann M.

Brown, Julie M.  
 Flynn, Edward J.  
 McCann, William H., Jr.  
 Nehring, William H.  
 Young, John B.

Corte, Arthur B.  
 Foss, Patricia H.  
 Merrill, Amanda A.  
 Pageotte, Donald P.

**SULLIVAN**

Behrens, Thomas A.  
 Middleton, John A.  
 Rodeschin, Beverly T.

Krueger, Richard H.  
 Peyron, Fredrik  
 Schotanus, Merle W.

Lindblade, Eric N.  
 Porter, Robert H.  
 Stamatakis, Carol M.

and the floor amendment was adopted.

Report adopted.

Ordered to third reading.

Rep. Maviglio abstained from voting under Rule 16.

**ETHICS GUIDELINES**

Rep. Kidder spoke on the report of the Ethics Committee.

Rep. Trombly spoke in explanation of the report and yielded to questions.

**SPECIAL ORDERS**

Without objection, the Speaker made all remaining bills Special Orders for January 14, 1992, excepting **CACR 6**, which was made a Special Order for January 16, 1992.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet January 14, 1992 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 338-FN**, prohibiting the detention of minors in adult correctional facilities and jails.

**HB 470**, relative to health maintenance organizations.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills only.

Adopted.

The House recessed at 3:10 p.m.

**RECESS**

Rep. Michael Hill moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 3

Tuesday, January 14, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

Most Holy Lord: help us to use our gifts and skills wisely for the sake of those whom we serve. Grant us a vision of the wider implications of our work in this place. Comfort and sustain the friends and family of Rep. Francis Jelley as they mourn his death. And, in the midst of our meetings and agendas, catch us off guard with Your empowering presence, that our work might become our ministry. Amen.

Rep. Caswell led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Morse, Feuerstein, Annette Cooke, Nelson, Doucette, Nichols, Tarpley-Bamberger, Haettenschwiller, Elizabeth Moore, Kilbride, Terninko, Daniel Healy, Magoon and Harry Flanders, the day, illness.

Reps. Schmidtchen, Bickford, Hanselman, Arnold, DePecol, Keith and Stamatakis, the day, important business.

Reps. Appleby and Durham, the day, illness in the family.

### INTRODUCTION OF GUESTS

Jean Elm and Merilyn Johnson, guests of Speaker Burns. Sue Price, guest of Rep. Raymond Buckley.

### COMMITTEE ASSIGNMENT

Rep. Robert Asselin was assigned to the Committee on Executive Departments and Administration.

### SEAT ASSIGNMENT

Rep. Beverly Gage was assigned to Seat 5-43

### VACATE

Rep. Hager moved that the House vacate the reference of **HB 1403**, limiting the authority of governor and council to approve out-of-court settlements for claims against the state and requiring the approval of governor and council for certain judgments against the state to the Committee on Appropriations.

Adopted and referred to Judiciary.

### SPECIAL ORDER

Reps. Gross and Chambers moved that the Ethics Guidelines be made a special order for January 16.

Adopted.

### COMMITTEE REPORTS

#### REGULAR CALENDAR

**HB 762-FN**, to incorporate the inhabitants of the northeasterly part of Laconia into a separate town to be known as Weirs Beach, with all the privileges and immunities of other towns in this state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David M. Perry for Municipal and County Government: During the 1991 legislative session, the hearing lasted over four hours. Because it was felt more time was needed to investigate the many aspects of a complicated situation and because the

matter involved questions of constitutionality, the bill was Re-referred to Committee. At the same time, the House requested an opinion of the justices. By their reply dated October 29, 1991, the justices stated their opinion that Article 39, Part First of the New Hampshire Constitution did not pose a bar to legislative action on this bill. The justices also called attention to RSA 51:9 in a way that invited either conformity to its provisions or a statement that notwithstanding RSA 51:9, other provisions regarding voting were being recommended. On the evening of September 8, 1991, the Committee conducted another public hearing, this time at the high school auditorium in the City of Laconia. Over fifty people, about an equal number pro and con, spoke during the four-hour hearing. During the afternoon, teams of Committee members had toured the city, including the Weirs portion, and furnished written reports of their observations.

Additionally, the Committee has received and read hundreds of letters, reports, historical summaries and other documentation relating to the issue. It investigated forty-seven grievances, finding some unjustified, some simply a matter of miscommunication or misunderstanding, and some well-justified.

Those advocating legislative action to permit secession of Weirs Beach testified that the area of Weirs Beach pays 28 percent of the property tax receipts of the City of Laconia but receives infrastructure support equivalent to only 9 percent of City expenditures, and further that this provides justification for allowing action to secede. Those opposing testified that secession of a portion of the city which paid such property taxes would devastate the city's finances. The Committee did not find either argument persuasive. Instead, prior to making any decision on the bill, the Committee established findings of fact which are incorporated in the amendment. Vote 13-4.

4369L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

I Findings. The committee on municipal and county government, in the course of its studies and hearings on the proposed secession of Weirs Beach from Laconia, finds that in the preponderance of its opinion:

I. The treatment of the Weirs by the city of Laconia has been such as to be significantly injurious to the health, safety and welfare of the inhabitants, summer residents and tourists of the Weirs.

II. The treatment of the Weirs by the city of Laconia has been such as to have been significantly and adversely injurious to the economic viability of the Weirs.

III. That reconciliation between the Weirs and the city of Laconia is extremely unlikely.

IV. That secession is a "reasonable" alternative to the present situation.

2 Town of Weirs Beach Established. All that part of the city of Laconia that is bounded and described as follows, namely: Commencing at a point at the center line of the Meredith Parade road as it now exists, said point being along the existing town line between Meredith and Laconia; thence along said town line to a stone on the east side of Meredith Parade Road, so-called, marked 1870 ML 77-84-91-98-05-12-19-26-33-40-47-54-61-

75-82 and 89; thence following the Meredith town line to a stone marked BML 1870-77-84-91-98-05-12-19-26-33-40-47-54-61-68-75-82, with an X on the top and also marked 89; thence to a stone monument marked ML 33-40-47-54-61-68-75-82 on the westerly side of the Daniel Webster highway, which stands about 2 feet easterly of a

stone monument marked ML 1870-77-84-91-98-05-12-19-26; thence to a large stone marked ML 1877-84-91-98-05-12-19-33-40-54-61-68-75-82-89; thence about 10 feet east of the above stone to a large stone on the shore of Lake Winnepesaukee marked ML 1870-77-84-91-98-05-12-19-26-33-40-47-54-61-68-75-82-89; thence continuing into said lake and following the town line as it now exists along the town of Meredith and to the town of Gilford and continuing along the town of Gilford's line between Governor's Island and the shore line of the former city of Laconia as the line now exists to a point at the shore of Lake Winnepesaukee at the town line of the town of Gilford and the former city of Laconia; thence southerly to a stone post on the shore of Lake Winnepesaukee marked GL 05-12-19 and etc. to 89, said bound having been reset by agents of the town of Gilford and the city of Laconia in October of 1982; thence continuing on this same course southerly to a stone post marked GL 05-12-19 and etc. to 89 set on the southerly side of Route 11B on land now or formerly owned by Kinney; thence southerly along the rangeway to a stone post marked GL 05-12-19 and etc. to 89 on land now or formerly owned by Carye; thence north 60 degrees west to a point near the new Weirs Road, so-called, said point being north 60 degrees west from a stone post marked GL 05-12-19 and etc. to 89 set in the ground at the easterly side of Lake Street on land now or formerly owned by Keller; thence southerly along the center of Lake Street to a point at its junction with Union Avenue, said point being about 38 feet south 28 degrees west from a stone post marked GL 61-68-75-82-89 set in the ground on the center line of Lake Street, said bound was moved from its former location by the selectmen of Gilford and the agent for the city of Laconia on May 6, 1953 for the convenience of the abutting owner in regards to access to his property; thence to a point on the westerly side line of Union Avenue on the property line of the Bayside Cemetery said point being perpendicular to the center line of Union Avenue; thence southerly following the westerly side line of Union Avenue along the Bayside Cemetery to the corner of the said Bayside Cemetery and land now or formerly owned by Barton on the westerly side line of Union Avenue; thence westerly along the line between Barton and the Bayside Cemetery to a point on the easterly shore line of Paugus Bay; thence extending perpendicular from the short line to a point at the approximate center line of Paugus Bay; thence northerly following the approximate center line of Paugus Bay and halfway between Little Island and Big Island to a point at the approximate center line of Paugus Bay at a point perpendicular from the westerly shore line of Paugus Bay at the center line of the state of New Hampshire railroad culvert being the entrance to Pickerel Cove; thence along said perpendicular line to the easterly side line of the state of New Hampshire railroad at the center line of said culvert at the entrance to Pickerel Cove and westerly shoreline of Paugus Bay meaning to include Little Island in this description; thence crossing the state of New Hampshire railroad, formerly the Boston and Maine Railroad, to the westerly side line of the state of New Hampshire Railroad at the center line of the said culvert; thence to a point in Pickerel Cove said point being perpendicular to the shoreline at the said state of New Hampshire railroad culvert and perpendicular to the southerly shoreline of Pickerel Cove at the land now or formerly owned by the Bryala Realty Trust and land now or formerly of Donald W. Crawford and Kathryn J. Laschi; thence on the said perpendicular line to the southerly shoreline of the said Pickerel Cove at the land of Bryala Realty Trust and the Crawford-Laschi land; thence following the boundary line between the Bryala Realty Trust property and the said Crawford-Laschi property to the northerly sideline of Hillcroft Road; thence along the land of Bryala Realty Trust and the right-of-way line of Hillcroft Road to the southerly right-of-way line of

Hillcroft Road; thence westerly and northerly along the sideline of Hillcroft Road to the land now or formerly of John J. and Elizabeth M. Ganong intending to include the complete right-of-way of Hillcroft Road as it may now exist; thence southwesterly along land of said Ganong to land now or formerly of Richard H. Simoneau; thence northwesterly along land of said Ganong and said Simoneau to land now or formerly of Orville J. Jr. and Evelyn L. Hokscho; thence continuing northwesterly along land of said Ganong and land of said Hokscho to the southerly right-of-way line of the Hilliard Road; thence southwesterly along the southerly sideline of the Hilliard Road to a point where the southerly sideline of Hilliard Road intersects with the sideline of Meredith Parade Road; thence to a point at the center line of said Meredith Parade Road said point being perpendicular to the center line of the Meredith Parade Road and intersecting the point at the sideline of Meredith Parade Road at the southerly sideline of the Hilliard Road thence northerly following the center line of Meredith Parade Road as it now exists to the point of beginning. The foregoing description is taken from perambulation data by the city of Laconia and a proposed layout of the new town of Weirs Beach, New Hampshire. All monumentation marking the corners as proposed should be marked with permanent monuments that can be incorporated into a more descriptive boundary of the new proposed lines. Those lines that now exist as the city of Laconia lines are from the 1989 city line report and are currently well marked. Such described property is incorporated into a town by the name of Weirs Beach. The persons inhabitant within such boundaries who now reside or shall in the future reside within those boundaries are made and constituted a body politic and corporate and invested with all of the powers and privileges and immunities which other towns in this state are entitled to enjoy, to remain a distinct and separate town and to have continuance and secession forever. The boundaries of the city of Laconia shall be as formerly established less those lands bounded and described in this act.

3 City of Laconia. All moneys or other personal or real property on hand or now due or that shall in the future become due to or be the property of the city of Laconia by virtue of any grant or other act done or performed before January 1, 1993, shall become or remain the property of the city of Laconia, except for those items enumerated in sections 5 and 6 of this act.

4 Appointment of Bonded Indebtedness. All bonded indebtedness of the city of Laconia, together with interest on such bonds, existing on January 1, 1993, shall be a charge against the city of Laconia and the town of Weirs Beach in proportion to the equalized valuation of the city and the town as provided in RSA 33:4-b.

5 Community Land and Buildings. All land and structures located within the boundaries of Weirs Beach which are the property of the city of Laconia, the Laconia water works or any other municipal department or entity, held or used for public or community purposes, together with supplies and equipment in such structures or on such land, shall become the property of the town of Weirs Beach as of January 1, 1993. Liability for the preservation, maintenance and operation of said property shall be that of the town of Weirs Beach except for such liability relating to property used in the provision of water and sewer services, which shall fall within the provisions of section 7 of this act. The town of Weirs Beach shall assume any rental, leasehold or other legal obligations formerly assumed by the city of Laconia for the use of said property prior to January 1, 1993, except as such obligations may otherwise be apportioned.

6 Distribution of Capital Property. A distribution of capital property shall take place at the time Weirs Beach becomes a town. Prior to the incorporation of Weirs Beach as



a town, the following equipment from the city of Laconia shall be placed in the temporary custody of Weirs Beach: one fire pump with the regular and necessary supply of equipment; one police cruiser with standard equipment; one highway dump truck with plow; one 4-wheel drive pickup with plow. The final distribution of capital property shall be made by a committee composed of 3 individuals from each municipality. The property shall include the above equipment and any other property which may be due Weirs Beach from Laconia, such as the new bath house and the fire station community building. The committee shall make its findings on or before March 1, 1993. The committee shall discuss and resolve any other problems such as water, sewer and solid waste that may be present when the town of Weirs Beach is established.

7 Water and Sewer Service. The city of Laconia, through the Laconia water works and any other necessary entity, shall continue to provide water and sewer services to the inhabitants of the town of Weirs Beach as those services have been provided prior to January 1, 1993, for a period of 5 years from January 1, 1993, at rates which are equal to those charged property owners within the city of Laconia. The city and town may within the 5-year period enter into any other fair and equitable contractual agreement for the provision of water and sewer services to inhabitants of Weirs Beach. The city of Laconia, through the Laconia water works and any other necessary entity, shall continue to enjoy the right to use or the water pumping station located in Weirs Beach and any other property now and in the future used in the provision of water and sewer services, without charge, for as long as it continues to provide the said services to inhabitants of Weirs Beach. The preservation, maintenance and operation of such property shall be the obligation of the city of Laconia through the Laconia water works or any other necessary entity, so long as its right to use such property remains in effect. If no contractual agreement for the provision of water and sewer services to inhabitants of Weirs Beach is entered between the city of Laconia and the town of Weirs Beach on or before January 1, 1998, the city may terminate its provision of water and sewer services to inhabitants of Weirs Beach. Notwithstanding any other provision of this act, the town of Weirs Beach may at any time after January 1, 1993, elect to discontinue water or sewer service, or both, to some or all of its inhabitants by the city of Laconia, at which time the obligation of the city of Laconia to provide water and sewer service to those inhabitants shall cease.

8 School District Established. That part of the city of Laconia which is incorporated into the town of Weirs Beach by section 2 of this act is organized into the Weirs Beach school district which shall become effective July 1, 1993. The school district shall be assigned to school administrative unit number 30 on July 1, 1993, provided that the state board of education shall assign the district to another school administrative unit if so requested by the school district on or before July 1, 1998. The boundaries of the Laconia school district shall be as formerly established, less those lands incorporated into the Weirs Beach school district.

#### 9 Tuition.

1. The Weirs Beach school district shall pay tuition to the Laconia school district for all pupils who are required by statute to be educated at public expense by the Weirs Beach school district in accordance with the provisions of RSA 194:27. For the first 5 years, however, tuition payments, in addition to those under RSA 194:27, shall be made in the following amounts:

- (a) For the fiscal year ending June 30, 1994, \$1,500 per student.
- (b) For the fiscal year ending June 30, 1995, \$1,200 per student.

- (c) For the fiscal year ending June 30, 1996, \$900 per student.
- (d) For the fiscal year ending June 30, 1997, \$600 per student.
- (e) For the fiscal year ending June 30, 1998, \$300 per student.
- (f) For the fiscal year ending June 30, 1999, \$0 per student.

II. The Laconia school district shall be required to accept all pupils sent to it by the Weirs Beach school district through the 1997-1998 school year and may continue to receive students after the 1997-1998 school year.

10 Planning and Zoning. The zones into which properties located within the boundaries of town of Weirs Beach are divided on January 1, 1993, shall remain in effect unless they are changed by the town as provided by statute. The selectmen of the town of Weirs Beach shall adopt interim building codes, provided that such codes meet minimum BOCA and Life Safety Codes, and shall adopt an ordinance imposing interim regulations on development as provided in RSA 674:23.

11 Anticipation of Taxes. The treasurer of Weirs Beach, elected at the initial meeting provided by section 12 of this act, with the approval of the selectmen so elected, may borrow such sums as may be authorized by the town meeting in order to meet necessary expenses which may arise during the period between the vote to become the town of Weirs Beach and the actual incorporation of the town on January 1, 1993. The treasurer may issue notes for such sums in anticipation of taxes in accordance with the provisions of the municipal finance act.

12 Local Vote. This act shall not take effect unless, prior to June 30, 1992, the inhabitants of that portion of the city of Laconia which would become the town of Weirs Beach on January 1, 1993, shall vote by simple majority in favor of the establishment of the town of Weirs Beach. Within 90 days after the effective date of this section, the secretary of state shall update the checklist, post a warrant and order a special town meeting for the Weirs Beach inhabitants on the question of whether or not to separate from Laconia. The question shall be acted upon in open meeting in the same manner as a secret "yes-no" ballot under RSA 40:4-a. If the vote is in favor of separation, then, at the same meeting, the town moderator and other elected town and school district officials shall be elected. Within 60 days after such meeting the selectmen shall call a special town meeting for the purpose of handling budget matters which arise during the interim period. All subsequent town and school district meetings shall be held in accordance with the laws of New Hampshire.

13 Applicability of Other Law. Notwithstanding any other provision of law, RSA 51:9 shall not apply to this act.

14 Effective Date.

I. Section 12 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1993, as provided in section 12 of this act.

Rep. Perry spoke in favor.

Adopted.

Rep. Holbrook moved that the words Refer for Interim Study for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Reps. Salatiello, Soucy and Grodin spoke against and yielded to questions.

Reps. Accornero and Hawkins spoke in favor and yielded to questions.

Rep. Reidy spoke against.

Reps. Rosen, Turner and Shackett spoke in favor.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 142****NAYS 212****YEAS 142  
BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Shibley, Arnold P.  
Ziegler, Alice S.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Cain, Thomas G.  
Hawkins, Robert S.  
Joscelyn, William W.  
Rosen, Ralph J.  
Vogler, Charles C.

**CARROLL**

Chandler, Gene G.

Dodge, A. Gibb, Jr.

Saunders, Howard N.

**CHESHIRE**

Foster, Katherine D.  
Metzger, Katherine H.  
Riley, William A.

Grodin, Richard A.  
Mohr, Frederick C., Jr.  
Sawyer, Alfred P.

Kennison, Wayne A.  
Perry, David M.

**COOS**

Guay, Lawrence J.  
Pratt, Leighton C.

Hawkinson, Marie C.

Mayhew, Josephine

**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Guest, Robert H.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Trelfa, Richard T.

Brown, Channing T.  
Dow, David  
Hill, Richard L.  
McIlwaine, Deborah P.  
Shackett, Ralph E.

Chambers, Mary P.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.

**HILLSBOROUGH**

Amidon, Eleanor H.  
Cowenhoven, Garret P.  
Dyer, Merton S.  
Ford, Nancy M.  
Greenglass, Alan B.  
Jasper, Shawn N.  
Leclerc, Charles J.  
Mercer, Robert S.  
Paquette, Rodolphe G.  
Rheault, Lillian I.  
Stiles, Walter A.

Carpenter, Karen A.  
Daniels, Gary L.  
Elliott, Larry G.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Kelley, Dana F.  
McCann, Bonnie Lou  
Messier, Irene M.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Vanderlosk, Stanley R.

Cook, Valerie S.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Green, Scott E.  
Hultgren, David D.  
Kurk, Neal M.  
McNerney, Daniel P.  
O'Rourke, Joanne A.  
Record, Alice B.  
Smith, Leonard A.  
White, John M.

**MERRIMACK**

Anderson, Eleanor M.  
Carter, Susan D.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Letourneau, George E.  
Molner, Mary E.  
Teague, Bert  
Weeks, John F., Jr.

Barberia, Richard A.  
Chandler, Earle W.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Smith, Gerald R.  
Trombly, Rick A.  
Yeaton, Charles B.

Boucher, Laurent J.  
Chandler, John P.  
Gross, Caroline L.  
Hill, Michael J.  
Kidder, William F.  
Lockwood, Robert A.  
Soldati, Jennifer G.  
Wallner, Mary Jane

**ROCKINGHAM**

Barnes, John S., Jr.  
Campbell, Marilyn R.  
DiPietro, Carmela M.  
Griebisch, Linda  
Smith, Arthur W.  
Tufts, Arthur

Brown, Jeffrey M.  
Chulack, Peter G., Sr.  
Flanders, David A.  
Haynes, Richard  
Sytek, Donna P.  
Vaughn, Charles L.

Buco, Stephen W.  
Connell, David R.  
Ford, Bert H.  
Hurst, Sharleene P.  
Sytek, John J.  
Woods, Deborah L.

**STRAFFORD**

Douglass, Clyde J.  
McCann, William H., Jr.  
Nehring, William H.  
Vincent, Francis C.

Flynn, Edward J.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Wall, Janet G.

Keans, Sandra B.  
Musler, George T.  
Torr, Ann M.  
Wheeler, Katherine W.

**SULLIVAN**

Behrens, Thomas A.  
Harland, Jane A.

Burling, Peter Hoe  
Krueger, Richard H.

Flint, Gordon B.  
Schotanus, Merle W.

**NAYS 212****BELKNAP**

Golden, Paul A.

Salatiello, Thomas B.

Zaharchuk, Peter J., Jr.

**CARROLL**

Beach, Mildred A.  
Dickinson, Howard C.  
Wiggin, Allen R.

Bradley, Jeb E.  
Foster, Robert W.  
Wiggin, Gordon E.

Daly, Robert J., Jr.  
Jean, Robert R.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
Hogan, James B.  
LaMar, David M.  
Pearson, Gertrude B.

Champagne, Richard L.  
Cole, Stacey W.  
Hunt, John B.  
Laurent, John J.  
Pratt, Irene A.

Clark, Eugene W.  
Feuer, Joseph N.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Young, David A.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Marsh, Beaton

Coulombe, Henry W.  
Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Christy, C. Dana  
Scanlan, David M.  
Ward, Kathleen W.

Bean, Pamela B.  
LaMott, Paul I.  
Stewart, Roger D.  
White, Paul R.

Brown, Patricia B.  
Markley, J. Keith  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ackerman, Philip M.  
Andrews, Frederick B.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Crotty, Edward J.  
Dodge, Emma M.  
Drolet, Paul L.

Ahrens, Frederick G.  
Asselin, Robert P.  
Baroody, Benjamin C.  
Buckley, Raymond  
Clemons, Jane A.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Dwyer, Patricia R.

Alukonis, David J.  
Baker, George H., Sr.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cote, David E.  
Desrosiers, William J.  
Donovan, Francis X.  
Emerton, Lawrence A.



Fenton, James J.  
 Gage, Ruth E.  
 Hall, Betty B.  
 Janas, Gregory  
 Jordan, Mary H.  
 King, Frank P.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 Lozeau, Donnalee M.  
 McDowell, James E.  
 Nardi, Theodora P.  
 Pepino, Leo P.  
 Riley, Frances L.  
 Sallada, Roland A.  
 Steiner, Lee Anne  
 Upton, Barbara A.  
 Wright, George W.

Ferlan, Arthur P.  
 Gosselin, Gerald O.  
 Healy, Walter F.  
 Jean, Romeo W.  
 Keane, Cornelius J.  
 L'Heureux, Robert J.  
 Laughlin, J. Francis  
 Lefebvre, Roland J.  
 Martin, Mary Ellen  
 McRae, Karen K.  
 Ouellette, Robert O.  
 Pignatelli, Debora B.  
 Rodgers, G. Philip  
 Searles, Stanley N., Sr.  
 Tate, Joan C.  
 Wheeler, David K.

Fields, Dennis H.  
 Goulet, Maurice E.  
 Holden, Carol H.  
 Johnson, Lionel W.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lawrence, Eva M.  
 Lown, Elizabeth D.  
 Mason, Howard F.  
 Murphy, Robert E.  
 Packard, Bonnie B.  
 Reidy, Frank J.  
 Rothhaus, Finlay C.  
 Soucy, Donna M.  
 Turgeon, Roland M.  
 Wheeler, Robert L.

### MERRIMACK

Apple, Lowell D.  
 Christie, Thomas J.  
 Fair, Patricia A.  
 Johnson, C. William  
 Stio, Peter M.

Asplund, Bronwyn L.  
 Daneault, Gabriel J.  
 Hayes, Robert C.  
 Millard, Elizabeth S.

Braiterman, Thea  
 Dunn, Miriam D.  
 Jacobson, Alf E.  
 Stapleton, Henry F.

### ROCKINGHAM

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Coffey, John J.  
 Dowd, Sandra K.  
 Dube, LeRoy S.  
 Flanagan, Natalie S.  
 Greene, Elizabeth A.  
 Hutchinson, Karen K.  
 Kane, Cecelia D.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McCarthy, John J., Jr.  
 Melnick, Roy E.  
 Parr, Ednappearl F.  
 Rubin, George R.  
 Seward, Russell G.  
 Syracuse, Anthony  
 Welch, David A.

Benton, Richardson D.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 Dowling, Patricia A.  
 Falwell, Robert V.  
 Flanders, John W., Sr.  
 Hoar, John, Jr.  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 MacKinnon, Nancy W.  
 McGovern, Cynthia A.  
 Packard, Sherman A.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Simon, Peter M.  
 Thayer, Leroy C.  
 Weyler, Kenneth L.

Boucher, William P.  
 Clark, Martha Fuller  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Felch, Charles H., Sr.  
 Gage, Beverly A.  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Palazzo, Frank J.  
 Rosencrantz, James R.  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Warburton, Calvin

### STRAFFORD

Brown, Julie M.  
 Frechette, Roland A.  
 Hashem, Elaine M.  
 Kinney, Paula J.

Corte, Arthur B.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 Marston, Robert E.

Foss, Patricia H.  
 Hambrick, Patricia A.  
 Kincaid, William K.  
 Martling, W. Kent

Messier, Donald R.  
 Spencer, Leo J.  
 Tsiros, William

O'Brien, John  
 Sullivan, Henry P.  
 Young, John B.

Pelley, Janet R.  
 Torr, Ralph W.

#### SULLIVAN

Allison, David C.  
 Middleton, John A.  
 Rodeschin, Beverly T.  
 and the motion failed.

Domini, Irene C.  
 Peyron, Fredrik  
 Tetu, Michael A.

Lindblade, Eric N.  
 Porter, Robert H.  
 Walsh, Robert R.

Rep. Whittemore notified the Clerk that he wished to be recorded in opposition to the substitute motion.

Report adopted.

Ordered to third reading.

Rep. William McCain abstained from voting under Rule 16.

#### SPECIAL ORDERS

**SB 193-FN**, relative to limits on motorboat speeds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gordon E. Bartlett for Transportation: This bill establishes a pilot program on Newfound Lake restricting the speed limit between July 1 and the day after Labor Day during the 1992 boating season. This shall be monitored by the Department of Safety and results reported back to the committee by October 1, 1992.

The bill also makes changes in RSA 270:12 by requiring the Commissioners of Safety to hold hearings on maximum horsepower and maximum speed after being petitioned by 25 persons. Vote 10-0.

4067L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Operating Restrictions. Amend RSA 270:12 to read as follows:

270:12 Operating Restrictions. The commissioner of safety [may] *shall*, after [hearing, upon complaint or of his own motion] *receiving a petition signed by 25 or more residents or property owners of each affected town or towns in which a lake, pond or river is located and after notice and hearing*, [whenever it shall appear] *at which it appears* that the public interest requires, adopt rules under RSA 541-A governing the maximum horsepower of boat engines and outboard motors or prescribe maximum speed limits for the operation of such boats or outboard motors applicable to or upon all or any portion of the public waters of this state. The commissioner of safety [may] *shall*, in like manner and after notice and hearing, prohibit the use of motorboats and outboard motors on bodies of public water having an area of 35 acres or less; provided, that said prohibition shall not be construed as affecting the bodies of water covered by RSA 270:75-109. Hearings under this section shall be held in the vicinity of the body of water under consideration *during the months of June, July, August and September following the date of the petition*.

2 Pilot Program Established. A pilot program is hereby established on Newfound Lake that shall restrict the speed limit on Newfound Lake during the 1992 boating season.

3 Speed Established; Rulemaking. The speed for all watercraft on Newfound Lake between July 1 and the day after Labor Day, 1992, shall be as follows:

I. Beginning July 1, 1992, the maximum speed during daylight hours shall be 45 miles per hour.

II. The maximum speed between sunset and sunrise shall be 20 miles per hour.

III. A no wake zone shall be established, by the department of safety, in the Bristol beach area. The commissioner of safety shall adopt rules pursuant to RSA 541-A relative to establishing the no wake zone.

IV. The provisions of paragraphs I and II shall not apply to any exemptions made by the department of safety.

V. For any violation of paragraphs I and II the fine shall be double the miles per hour at which the boat is traveling. Violators shall also be subject to an additional \$200 fine as provided in RSA 270:46-a, which shall be refunded upon completion of a boating safety course.

VI. The department of safety shall monitor the program and make a report to the house transportation committee by October 1, 1992.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

The bill requires the commissioner of safety, after receiving a petition signed by 25 or more residents or property owners of each affected town or towns in which a lake, pond or river is located, and after notice and hearing, to adopt rules governing maximum horsepower of boat engines and outboard motors and prohibit the use of motorboats and outboard motors on bodies of public water having an area of 35 acres or less. Hearings would be held between June and September following the date of petition.

This bill also establishes a pilot program on Newfound Lake that restricts the speed limit on the lake between July 1 and the day after Labor Day during the 1992 boating season.

Rep. Shackett spoke in favor and yielded to questions.

Adopted.

Report adopted.

Ordered to third reading.

**HB 584-FN.** relative to mandatory automobile insurance. INEXPEDIENT TO LEGISLATE.

Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs: Setting aside emotionalism, New Hampshire is among the top five states having the lowest percentage of uninsured motorists. The cost of implementing a comprehensive system to track violators would be passed on to consumers. Those most adversely affected would be the elderly and working poor.

The State of Georgia has eliminated its No-Fault Clause in an attempt to reduce cost, thus hopefully the rate of uninsured motorists will drop.

This bill will not reduce the rate of New Hampshire uninsured motorists. Vote 14-1.

Rep. Pelley requested a quorum count.

The Speaker declared a quorum present.

Rep. Pelley moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke to her motion and yielded to questions.

Reps. Krueger and Bonnie Packard spoke against and yielded to questions.

Rep. Spencer spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 135**

Golden, Paul A.

Bradley, Jeb E.

Burnham, Daniel M.

Cole, Kenneth A.

Lynch, Margaret A.

Perry, David M.

Hawkinson, Marie C.

Adams, Carl S.

Brown, Patricia B.

Driscoll, William J.

Nordgren, Sharon L.

Amidon, Eleanor H.

Bourque, Ann J.

Daigle, Robert A.

Ford, Nancy M.

Hall, Betty B.

Johnson, Lionel W.

Kurk, Neal M.

Lown, Elizabeth D.

McRae, Karen K.

O'Rourke, Joanne A.

Reidy, Frank J.

Sallada, Roland A.

Soucy, Donna M.

Apple, Lowell D.

Chandler, John P.

Gilbreth, Robert M.

Johnson, Joyce M.

Millard, Elizabeth S.

Stapleton, Henry F.

Wallner, Mary Jane

Bell, Juanita L.

Christie, Andrew, Jr.

Greene, Elizabeth A.

Kane, Cecelia D.

Maviglio, Steven R.

**YEAS 135****BELKNAP****CARROLL****CHESHIRE**

Champagne, Richard L.

Foster, Katherine D.

Metzger, Katherine H.

Pratt, Irene A.

Mayhew, Josephine

Arnesen, Deborah L.

Chambers, Mary P.

Guest, Robert H.

Ward, Kathleen W.

**HILLSBOROUGH**

Baker, George H., Sr.

Clemons, Jane A.

Donovan, Francis X.

Gage, Ruth E.

Janas, Gregory

Jordan, Mary H.

Lachut, Ervin R.

Martin, Mary Ellen

Messier, Irene M.

Peters, Stanley W.

Robinson, Ellen-Ann

Searles, Stanley N., Sr.

White, John M.

**MERRIMACK**

Barberia, Richard A.

Christie, Thomas J.

Hall, Douglas E.

Kidder, William F.

Molner, Mary E.

Teague, Bert

Whittemore, James A.

**ROCKINGHAM**

Buco, Stephen W.

Clark, Martha Fuller

Hynes, Carolyn E.

Lovejoy, Virginia K.

**NAYS 207**

Rosen, Ralph J.

Clark, Eugene W.

Laurent, John J.

Pearson, Gertrude B.

Oliver, Terry D.

Brown, Channing T.

Copenhaver, Marion L.

Nielsen, Niels F., Jr.

Baldizar, Barbara J.

Cote, David E.

Drabinowicz, A. Theresa

Green, Scott E.

Jean, Romeo W.

Kelley, Dana F.

Leclerc, Charles J.

Mason, Howard F.

Nardi, Theodora P.

Pignatelli, Debora B.

Rodgers, G. Philip

Smith, Leonard A.

Braiterman, Thea

Dunn, Miriam D.

Johnson, C. William

Letourneau, George E.

Soldati, Jennifer G.

Trombly, Rick A.

Yeaton, Charles B.

Caswell, Albert, Jr.

Connell, David R.

Johnson, Robert A.

MacKinnon, Nancy W.



McGovern, Cynthia A.  
Rosencrantz, James R.  
Vaughn, Charles L.

Palazzo, Frank J.  
Seward, Russell G.

Parr, Edna Pearl F.  
Sytek, John J.

### STRAFFORD

Brown, Julie M.  
Gilmore, Gary R.  
Jankowski, Peter M.  
McCann, William H., Jr.  
O'Brien, John  
Sullivan, Henry P.  
Wheeler, Katherine W.

Corte, Arthur B.  
Hambrick, Patricia A.  
Keans, Sandra B.  
Merrill, Amanda A.  
Pelley, Janet R.  
Torr, Ralph W.  
Young, John B.

Flynn, Edward J.  
Hashem, Elaine M.  
Kincaid, William K.  
Nehring, William H.  
Spencer, Leo J.  
Wall, Janet G.

### SULLIVAN

Allison, David C.  
Flint, Gordon B.  
Tetu, Michael A.

Burling, Peter Hoe  
Harland, Jane A.  
Walsh, Robert R.

Domini, Irene C.  
Peyron, Fredrik

### NAYS 207

### BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Johnson, Carl R.  
Turner, Robert H.  
Ziegra, Alice S.

Bartlett, Gordon E.  
Hawkins, Robert S.  
Joscelyn, William W.  
Vogler, Charles C.

Cain, Thomas G.  
Holbrook, Robert G.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

### CARROLL

Beach, Mildred A.  
Dickinson, Howard C.  
Jean, Robert R.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

### CHESHIRE

Cole, Stacey W.  
Hogan, James B.  
Kingsbury, H. Thayer  
Sawyer, Alfred P.

Feuer, Joseph N.  
Hunt, John B.  
LaMar, David M.  
Young, David A.

Grodin, Richard A.  
Kennison, Wayne A.  
Mohr, Frederick C., Jr.

### COOS

Brungot, Catherine V.  
Guay, Lawrence J.  
Merrill, Gerald P.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Pratt, Leighton C.

Coulombe, Henry W.  
Marsh, Beaton

### GRAFTON

Bean, Pamela B.  
Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.  
Teschner, Douglass P.  
White, Paul R.

Christy, C. Dana  
LaMott, Paul I.  
Markley, J. Keith  
Shackett, Ralph E.  
Trelfa, Richard T.

Dow, David  
Larson, Nils H., Jr.  
McIllwaine, Deborah P.  
Stewart, Roger D.  
Wadsworth, Karen O.

### HILLSBOROUGH

Ackerman, Philip M.  
Andrews, Frederick B.  
Bowers, Dorothy C.

Ahrens, Frederick G.  
Asselin, Robert P.  
Buckley, Raymond

Alukonis, David J.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.

Carpenter, Karen A.  
 Crotty, Edward J.  
 Dodge, Emma M.  
 Dwyer, Patricia R.  
 Emerton, Lawrence A.  
 Ferlan, Arthur P.  
 Gosselin, Gerald O.  
 Gureckis, Adam C., Sr.  
 Jasper, Shawn N.  
 King, Frank P.  
 Laughlin, J. Francis  
 Lefebvre, Roland J.  
 McDowell, James E.  
 Murphy, Robert E.  
 Pepino, Leo P.  
 Riley, Frances L.  
 Tate, Joan C.  
 Vanderlosk, Stanley R.  
 Wright, George W.

Chasse, Richard D.  
 Daniels, Gary L.  
 Domaingue, Jacquelyn M.  
 Dyer, Merton S.  
 Fenton, James J.  
 Fields, Dennis H.  
 Goulet, Maurice E.  
 Healy, Walter F.  
 Keane, Cornelius J.  
 L'Heureux, Robert J.  
 Lawrence, Eva M.  
 Lozeau, Donnalee M.  
 McNerney, Daniel P.  
 Packard, Bonnie B.  
 Record, Alice B.  
 Rothhaus, Finlay C.  
 Turgeon, Roland M.  
 Wheeler, David K.

Cowenhoven, Garret P.  
 Desrosiers, William J.  
 Drolet, Paul L.  
 Elliott, Larry G.  
 Ferguson, Charles  
 Gagnon, Eugene L.  
 Greenglass, Alan B.  
 Holden, Carol H.  
 Kelley, Robert N.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Paquette, Rodolphe G.  
 Rheault, Lillian I.  
 Stiles, Walter A.  
 Upton, Barbara A.  
 Wheeler, Robert L.

### MERRIMACK

Anderson, Eleanor M.  
 Carter, Susan D.  
 Fair, Patricia A.  
 Hill, Michael J.  
 Lewis, Mary Ann  
 Stio, Peter M.

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Fillion, Paul R.  
 Holmes, Mary C.  
 Lockwood, Robert A.

Boucher, Laurent J.  
 Daneault, Gabriel J.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Smith, Gerald R.

### ROCKINGHAM

Barnes, John S., Jr.  
 Brown, Jeffrey M.  
 Coffey, John J.  
 DiPietro, Carmela M.  
 Drake, Herbert R.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Griebisch, Linda  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 Melnick, Roy E.  
 Roulston, Donald L.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Welch, David A.

Benton, Richardson D.  
 Campbell, Marilyn R.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Dube, LeRoy S.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Haynes, Richard  
 Hurst, Sharleene P.  
 Katsakiores, Phyllis  
 MacDonald, Joseph A.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Rubin, George R.  
 Simon, Peter M.  
 Syracuse, Anthony  
 Tufts, Arthur  
 Weyler, Kenneth L.

Boucher, William P.  
 Chulack, Peter G., Sr.  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Falwell, Robert V.  
 Flanders, David A.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Hutchinson, Karen K.  
 Klemarczyk, Thaddeus E.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Warburton, Calvin  
 Woods, Deborah L.

**STRAFFORD**

Douglass, Clyde J.  
Martling, W. Kent  
Torr, Ann M.

Frechette, Roland A.  
Messier, Donald R.  
Tsiros, William

Marston, Robert E.  
Pageotte, Donald P.  
Vincent, Francis C.

**SULLIVAN**

Behrens, Thomas A.  
Middleton, John A.  
Schotanus, Merle W.

Krueger, Richard H.  
Porter, Robert H.

Lindblade, Eric N.  
Rodeschin, Beverly T.

and the motion failed.

Report adopted.

Reps. Gross, Foss and Hager abstained from voting under Rule 16.

**HB 616-FN**, relative to discrimination in insurance policies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. James B. Hogan for the Majority of Commerce, Small Business and Consumer Affairs: The aims and goals of this bill are admirable, but the methods cause problems. Inexpedient to Legislate was a tie vote in Subcommittee. After listening to testimony on both sides, the full Committee voted Inexpedient. Vote 13-2.

Rep. Thea Braiterman for the Minority of Commerce, Small Business and Consumer Affairs: At present in New Hampshire all men up to age 30 are charged twice as much for auto insurance as young women. This bill will change that by removing gender as a factor in auto insurance rates. Good drivers of both sexes will pay the same lower rates. This bill also calls for gender neutral health insurance, which the Commerce Committee unanimously approved as part of other legislation.

Rep. Fillion moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

**(Rep. Michael Hill in the Chair)**

Reps. Hunt and Beverly Gage spoke against and yielded to questions.

Rep. Katherine Wheeler spoke in favor and yielded to questions.

Rep. Hogan spoke against.

Rep. Braiterman requested a quorum count.

The Deputy Speaker declared a quorum present.

Reps. McIlwaine and Braiterman spoke in favor.

**(Speaker Burns in the Chair)**

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 159****NAYS 173****YEAS 159  
BELKNAP**

Golden, Paul A.  
Maviglio, Steven R.

Hawkins, Robert S.

Joscelyn, William W.

**CARROLL**

Bradley, Jeb E.  
Jean, Robert R.

Chandler, Gene G.

Dodge, A. Gibb, Jr.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
LaMar, David M.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Champagne, Richard L.  
Foster, Katherine D.  
Lynch, Margaret A.  
Perry, David M.

Clark, Eugene W.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Pratt, Irene A.

**COOS**

Buckley, C. Fitzgerald

Mayhew, Josephine

**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Nielsen, Niels F., Jr.  
Shackett, Ralph E.  
Ward, Kathleen W.

Brown, Patricia B.  
Guest, Robert H.  
Nordgren, Sharon L.  
Stewart, Roger D.

Chambers, Mary P.  
McIllwaine, Deborah P.  
Scanlan, David M.  
Teschner, Douglass P.

**HILLSBOROUGH**

Ackerman, Philip M.  
Andrews, Frederick B.  
Baroody, Benjamin C.  
Carpenter, Karen A.  
Dodge, Emma M.  
Dyer, Merton S.  
Ferguson, Charles  
Green, Scott E.  
Janas, Gregory  
Lachut, Ervin R.  
McCann, Bonnie Lou  
Messier, Irene M.  
O'Rourke, Joanne A.  
Reidy, Frank J.  
Smith, Leonard A.  
Vanderlosk, Stanley R.

Ahrens, Frederick G.  
Asselin, Robert P.  
Bourque, Ann J.  
Clemons, Jane A.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Ford, Nancy M.  
Gureckis, Adam C., Sr.  
Jean, Romeo W.  
Leclerc, Charles J.  
McNerney, Daniel P.  
Murphy, Robert E.  
Peters, Stanley W.  
Rothhaus, Finlay C.  
Soucy, Donna M.  
White, John M.

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Buckley, Raymond  
Cote, David E.  
Dwyer, Patricia R.  
Fenton, James J.  
Gosselin, Gerald O.  
Hall, Betty B.  
Kelley, Dana F.  
Lozeau, Donnalee M.  
McRae, Karen K.  
Nardi, Theodora P.  
Pignatelli, Debora B.  
Searles, Stanley N., Sr.  
Upton, Barbara A.

**MERRIMACK**

Apple, Lowell D.  
Braiterman, Thea  
Dunn, Miriam D.  
Jacobson, Alf E.  
Kidder, William F.  
Millard, Elizabeth S.  
Stapleton, Henry F.  
Trombly, Rick A.

Asplund, Bronwyn L.  
Chandler, John P.  
Fillion, Paul R.  
Johnson, C. William  
Letourneau, George E.  
Molner, Mary E.  
Stio, Peter M.  
Wallner, Mary Jane

Barberia, Richard A.  
Christie, Thomas J.  
Hall, Douglas E.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Soldati, Jennifer G.  
Teague, Bert  
Yeaton, Charles B.

**ROCKINGHAM**

Barnes, John S., Jr.  
Brown, Jeffrey M.  
DiPietro, Carmela M.  
Greene, Elizabeth A.  
Hurst, Sharleene P.  
Johnson, Robert A.

Bell, Juanita L.  
Buco, Stephen W.  
Drake, Herbert R.  
Griebsch, Linda  
Hutchinson, Karen K.  
Lovejoy, Virginia K.

Boucher, William P.  
Caswell, Albert, Jr.  
Falwell, Robert V.  
Hoelzel, Kathleen M.  
Hynes, Carolyn E.  
MacKinnon, Nancy W.



McCarthy, John J., Jr.  
Rosencrantz, James R.  
Vaughn, Charles L.

McGovern, Cynthia A.  
Thayer, Leroy C.  
Warburton, Calvin

Palazzo, Frank J.  
Tufts, Arthur  
Welch, David A.

### STRAFFORD

Flynn, Edward J.  
Jankowski, Peter M.  
Marston, Robert E.  
Messier, Donald R.  
Pelley, Janet R.  
Torr, Ralph W.  
Young, John B.

Gilmore, Gary R.  
Keans, Sandra B.  
McCann, William H., Jr.  
Nehring, William H.  
Spencer, Leo J.  
Wall, Janet G.

Hambrick, Patricia A.  
Kincaid, William K.  
Merrill, Amanda A.  
O'Brien, John  
Sullivan, Henry P.  
Wheeler, Katherine W.

### SULLIVAN

Burling, Peter Hoe  
Porter, Robert H.

Domini, Irene C.  
Schotanus, Merle W.

Harland, Jane A.  
Tetu, Michael A.

### NAYS 173 BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Rosen, Ralph J.  
Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
Holbrook, Robert G.  
Turner, Robert H.  
Ziegra, Alice S.

Cain, Thomas G.  
Johnson, Carl R.  
Vogler, Charles C.

### CARROLL

Beach, Mildred A.  
Foster, Robert W.  
Wiggin, Gordon E.

Daly, Robert J., Jr.  
Saunders, Howard N.

Dickinson, Howard C.  
Wiggin, Allen R.

### CHESHIRE

Cole, Stacey W.  
Hogan, James B.  
Laurent, John J.

Feuer, Joseph N.  
Hunt, John B.  
Mohr, Frederick C., Jr.

Grodin, Richard A.  
Kennison, Wayne A.  
Young, David A.

### COOS

Brungot, Catherine V.  
Hawkinson, Marie C.  
Merrill, Gerald P.

Coulombe, Henry W.  
Horton, Lynn C.  
Oliver, Terry D.

Guay, Lawrence J.  
Marsh, Beaton  
Pratt, Leighton C.

### GRAFTON

Adams, Carl S.  
Christy, C. Dana  
Hill, Richard L.  
Lougee, Richard W.  
Wadsworth, Karen O.

Bean, Pamela B.  
Dow, David  
LaMott, Paul I.  
Markley, J. Keith  
White, Paul R.

Brown, Channing T.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Trelfa, Richard T.

### HILLSBOROUGH

Alukonis, David J.  
Chasse, Richard D.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Emerton, Lawrence A.  
Gage, Ruth E.  
Greenglass, Alan B.

Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Donovan, Francis X.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Healy, Walter F.

Calawa, Leon, Jr.  
Crotty, Edward J.  
Desrosiers, William J.  
Drolet, Paul L.  
Fields, Dennis H.  
Goulet, Maurice E.  
Holden, Carol H.

Jasper, Shawn N.  
 Kelley, Robert N.  
 L'Heureux, Robert J.  
 Lawrence, Eva M.  
 Martin, Mary Ellen  
 Mercer, Robert S.  
 Pepino, Leo P.  
 Riley, Frances L.  
 Sallada, Roland A.  
 Turgeon, Roland M.  
 Wright, George W.

Johnson, Lionel W.  
 King, Frank P.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 Mason, Howard F.  
 Ouellette, Robert O.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Stiles, Walter A.  
 Wheeler, David K.

Keane, Cornelius J.  
 Kurk, Neal M.  
 Laughlin, J. Francis  
 Lown, Elizabeth D.  
 McDowell, James E.  
 Packard, Bonnie B.  
 Rheault, Lillian I.  
 Rodgers, G. Philip  
 Tate, Joan C.  
 Wheeler, Robert L.

#### MERRIMACK

Boucher, Laurent J.  
 Daneault, Gabriel J.  
 Hager, Elizabeth S.  
 Lockwood, Robert A.

Carter, Susan D.  
 Fair, Patricia A.  
 Hill, Michael J.  
 Smith, Gerald R.

Chandler, Earle W.  
 Gilbreth, Robert M.  
 Holmes, Mary C.  
 Whittemore, James A.

#### ROCKINGHAM

Benton, Richardson D.  
 Clark, Martha Fuller  
 Conroy, Janet M.  
 Dowling, Patricia A.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Hoar, John, Jr.  
 Klemarczyk, Thaddeus E.  
 McKinney, Betsy  
 Parr, Ednapearl F.  
 Schanda, Joseph, Sr.  
 Simon, Peter M.  
 Syracuse, Anthony  
 Weyler, Kenneth L.

Campbell, Marilyn R.  
 Coffey, John J.  
 Cote, Patricia L.  
 Dube, LeRoy S.  
 Flanders, David A.  
 Gage, Beverly A.  
 Katsakiores, George N.  
 Malcolm, Kenneth W.  
 Melnick, Roy E.  
 Raynowska, Bernard J.  
 Senter, Merilyn P.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Woods, Deborah L.

Chulack, Peter G., Sr.  
 Connell, David R.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Haynes, Richard  
 Katsakiores, Phyllis  
 McCain, William F.  
 Packard, Sherman A.  
 Rubin, George R.  
 Seward, Russell G.  
 Smith, Arthur W.  
 Sytek, John J.

#### STRAFFORD

Brown, Julie M.  
 Foss, Patricia H.  
 Kinney, Paula J.  
 Torr, Ann M.

Corte, Arthur B.  
 Frechette, Roland A.  
 Martling, W. Kent  
 Tsiros, William

Douglass, Clyde J.  
 Hashem, Elaine M.  
 Pageotte, Donald P.

#### SULLIVAN

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.  
 and the motion failed.  
 Report adopted.

Flint, Gordon B.  
 Middleton, John A.

Krueger, Richard H.  
 Peyron, Fredrik

Rep. Gross abstained from voting under Rule 16.

**HB 687-FN**, relative to medicare balance charges. INEXPEDIENT TO LEGISLATE.

Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs: A public hearing was held in March 1991. The Subcommittee on the re-referral met in October with no additional input. Vote 13-1.

Adopted.

**CACR 2**, relating to biennial legislative sessions. Providing that the general court shall meet biennially. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Calvin Warburton for the Majority of Constitutional and Statutory Revision: The Majority of the Committee voted in favor of placing this CACR regarding biennial sessions on the ballot. Vote 6-4.

Rep. Gary R. Gilmore for the Minority of Constitutional and Statutory Revision: The Minority believes that this issue was firmly decided in 1984 when 70% of the people voted in favor of instituting annual sessions. The necessity of the legislature being able to respond to the challenges facing New Hampshire illustrates the need for annual sessions.

Reps. Frances Riley and Warburton spoke in favor.

Reps. Scott Green, John Flanders and Jacobson spoke against and yielded to questions.

Rep. William McCain spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the majority report.

#### YEAS 102

#### NAYS 238

#### YEAS 102 BELKNAP

Accornero, Harry  
Vogler, Charles C.

Johnson, Carl R.  
Zaharchuk, Peter J., Jr.

Rosen, Ralph J.

#### CARROLL

Bradley, Jeb E.  
Dickinson, Howard C.

Chandler, Gene G.  
Wiggin, Gordon E.

Daly, Robert J., Jr.

#### CHESHIRE

Cole, Kenneth A.  
Hogan, James B.

Cole, Stacey W.  
Laurent, John J.

Feuer, Joseph N.  
Young, David A.

#### COOS

None

#### GRAFTON

Dow, David  
Shackett, Ralph E.

Markley, J. Keith  
Trelfa, Richard T.

Nielsen, Niels F., Jr.

#### HILLSBOROUGH

Alukonis, David J.  
Crotty, Edward J.  
Domaingue, Jacquelyn M.  
Healy, Walter F.  
Jasper, Shawn N.  
Kurk, Neal M.  
Laughlin, J. Francis  
Mason, Howard F.  
Mercer, Robert S.  
Pepino, Leo P.

Bourque, Ann J.  
Daniels, Gary L.  
Drolet, Paul L.  
Holden, Carol H.  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
McDowell, James E.  
Ouellette, Robert O.  
Peters, Stanley W.

Carpenter, Karen A.  
Dodge, Emma M.  
Elliott, Larry G.  
Janas, Gregory  
King, Frank P.  
Larochelle, Roger B.  
Leclerc, Charles J.  
McRae, Karen K.  
Paquette, Rodolphe G.  
Record, Alice B.

Rheault, Lillian I.  
Stiles, Walter A.  
Wheeler, David K.

Riley, Frances L.  
Tate, Joan C.  
Wright, George W.

Rothhaus, Finlay C.  
Turgeon, Roland M.

### **MERRIMACK**

Asplund, Bronwyn L.  
Daneault, Gabriel J.  
Whittemore, James A.

Barberia, Richard A.  
Millard, Elizabeth S.

Chandler, Earle W.  
Smith, Gerald R.

### **ROCKINGHAM**

Barnes, John S., Jr.  
Brown, Jeffrey M.  
Coffey, John J.  
Drake, Herbert R.  
Flanders, David A.  
Hutchinson, Karen K.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Smith, Arthur W.  
Tufts, Arthur

Benton, Richardson D.  
Buco, Stephen W.  
Connell, David R.  
Dube, LeRoy S.  
Griebsch, Linda  
Johnson, Robert A.  
McKinney, Betsy  
Rubin, George R.  
Sytek, Donna P.  
Warburton, Calvin

Boucher, William P.  
Chulack, Peter G., Sr.  
Dowling, Patricia A.  
Falwell, Robert V.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Melnick, Roy E.  
Senter, Marilyn P.  
Sytek, John J.  
Welch, David A.

### **STRAFFORD**

Foss, Patricia H.  
Young, John B.

Frechette, Roland A.

Kinney, Paula J.

### **SULLIVAN**

Domini, Irene C.

Rodeschin, Beverly T.

### **NAYS 238**

### **BELKNAP**

Bartlett, Gordon E.  
Golden, Paul A.  
Joscelyn, William W.  
Shibley, Arnold P.

Cain, Thomas G.  
Hawkins, Robert S.  
Maviglio, Steven R.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Salatiello, Thomas B.  
Ziegra, Alice S.

### **CARROLL**

Beach, Mildred A.  
Jean, Robert R.

Dodge, A. Gibb, Jr.  
Saunders, Howard N.

Foster, Robert W.  
Wiggin, Allen R.

### **CHESHIRE**

Burnham, Daniel M.  
Foster, Katherine D.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Champagne, Richard L.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Perry, David M.

Clark, Eugene W.  
Hunt, John B.  
LaMar, David M.  
Mohr, Frederick C., Jr.  
Pratt, Irene A.

### **COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Marsh, Beaton  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Mayhew, Josephine  
Pratt, Leighton C.

Coulombe, Henry W.  
Horton, Lynn C.  
Merrill, Gerald P.



**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.  
Wadsworth, Karen O.

Arnesen, Deborah L.  
Brown, Patricia B.  
Driscoll, William J.  
LaMott, Paul I.  
McIllwaine, Deborah P.  
Stewart, Roger D.  
Ward, Kathleen W.

Bean, Pamela B.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
White, Paul R.

**HILLSBOROUGH**

Ackerman, Philip M.  
Andrews, Frederick B.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Cote, David E.  
Desrosiers, William J.  
Dwyer, Patricia R.  
Fenton, James J.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Green, Scott E.  
Hall, Betty B.  
Kelley, Robert N.  
Lefebvre, Roland J.  
Martin, Mary Ellen  
Messier, Irene M.  
O'Rourke, Joanne A.  
Reidy, Frank J.  
Sallada, Roland A.  
Sezcy, Donna M.  
Vanderlosk, Stanley R.

Ahrens, Frederick G.  
Asselin, Robert P.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Donovan, Francis X.  
Dyer, Merton S.  
Ferguson, Charles  
Ford, Nancy M.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Jean, Romeo W.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Murphy, Robert E.  
Packard, Bonnie B.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Steiner, Lee Anne  
Wheeler, Robert L.

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Buckley, Raymond  
Clemons, Jane A.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gage, Ruth E.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.  
Johnson, Lionel W.  
Lawrence, Eva M.  
Lozeau, Donnalee M.  
McNerney, Daniel P.  
Nardi, Theodora P.  
Pignatelli, Debora B.  
Rodgers, G. Philip  
Smith, Leonard A.  
Upton, Barbara A.  
White, John M.

**MERRIMACK**

Apple, Lowell D.  
Carter, Susan D.  
Dunn, Miriam D.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Jacobson, Alf E.  
Kidder, William F.  
Lockwood, Robert A.  
Stapleton, Henry F.  
Trombly, Rick A.

Boucher, Laurent J.  
Chandler, John P.  
Fair, Patricia A.  
Gross, Caroline L.  
Hill, Michael J.  
Johnson, C. William  
Letourneau, George E.  
Molner, Mary E.  
Stio, Peter M.  
Wallner, Mary Jane

Braiterman, Thea  
Christie, Thomas J.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Soldati, Jennifer G.  
Teague, Bert  
Yeaton, Charles B.

**ROCKINGHAM**

Bell, Juanita L.  
Christie, Andrew, Jr.  
Cote, Patricia L.  
Felch, Charles H., Sr.  
Ford, Bert H.  
Haynes, Richard

Campbell, Marilyn R.  
Clark, Martha Fuller  
DiPietro, Carmela M.  
Flanagan, Natalie S.  
Gage, Beverly A.  
Hoar, John, Jr.

Caswell, Albert, Jr.  
Conroy, Janet M.  
Dowd, Sandra K.  
Flanders, John W., Sr.  
Greene, Elizabeth A.  
Hurst, Sharleene P.

Hynes, Carolyn E.  
Klemm, Arthur P., Jr.  
Malcolm, Kenneth W.  
Palazzo, Frank J.  
Rosencrantz, James R.  
Seward, Russell G.  
Syracusa, Anthony  
Weyler, Kenneth L.

Katsakiores, Phyllis  
Lovejoy, Virginia K.  
McCain, William F.  
Parr, Ednapearl F.  
Roulston, Donald L.  
Simon, Peter M.  
Thayer, Leroy C.  
Woods, Deborah L.

Klemarczyk, Thaddeus E.  
MacKinnon, Nancy W.  
McGovern, Cynthia A.  
Raynowska, Bernard J.  
Schanda, Joseph, Sr.  
Skinner, Patricia M.  
Vaughn, Charles L.

#### STRAFFORD

Brown, Julie M.  
Flynn, Edward J.  
Hashem, Elaine M.  
Kincaid, William K.  
McCann, William H., Jr.  
Nehring, William H.  
Pelley, Janet R.  
Torr, Ann M.  
Vincent, Francis C.

Corte, Arthur B.  
Gilmore, Gary R.  
Jankowski, Peter M.  
Marston, Robert E.  
Merrill, Amanda A.  
O'Brien, John  
Spencer, Leo J.  
Torr, Ralph W.  
Wall, Janet G.

Douglass, Clyde J.  
Hambrick, Patricia A.  
Keans, Sandra B.  
Martling, W. Kent  
Messier, Donald R.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Tsiros, William  
Wheeler, Katherine W.

#### SULLIVAN

Behrens, Thomas A.  
Harland, Jane A.  
Middleton, John A.  
Schotanus, Merle W.

Burling, Peter Hoe  
Krueger, Richard H.  
Peyron, Fredrik  
Tetu, Michael A.

Flint, Gordon B.  
Lindblade, Eric N.  
Porter, Robert H.

and lacking the constitutionally required three-fifths, the report failed.

Rep. Gross moved that **CACR 2** be Inexpedient to Legislate, spoke to her motion and yielded to questions.

Rep. Warburton spoke against.

Motion adopted.

**HB 303**, relative to instructions to voters on ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Norman B. Lawrence for Constitutional and Statutory Revision: This bill, as amended, brings up to date the process which is already ongoing. It clears up the language of present law. Vote 12-0.

Rep. Flanagan moved that the bill be recommitted and spoke to her motion.

Recommitted to Committee.

**HB 343-FN**, imposing a fine for failure to file reports and statements under the political expenditures and contributions law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. LeRoy S. Dube for Constitutional and Statutory Revision: The Committee felt that the passage of this bill would eliminate the worst loophole in the voluntary campaign spending limit law. Vote 8-3.

4080L

#### Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

to define total expenditures made during a state primary election.

Amend the bill by replacing all after the enacting clause with the following:

1 Determining Total Expenditures during a State Primary Election. Amend RSA 664:5-b, VI to read as follows:

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on his behalf by his committee or committees, his party, and his immediate family. *The sum of all expenditures made to influence a state primary election shall include all expenditures made by an individual prior to the state primary who is not a candidate for any state or federal office at the time the expenditures are made, but who subsequently becomes a candidate in the state primary election for which he has made such expenditures by filing his declaration of candidacy, by a primary petition or nominating petitions, or by nomination by write-in votes.* Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

2 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill amends the definition of what constitutes "total expenditures" in a state primary election for a candidate who accepts limitations on his political expenditures, by requiring an individual to include as part of his total expenditures all the expenditures he made to influence the state primary election before he officially became a candidate.

Adopted.

The Committee offered a floor amendment.

4484L

## Floor Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 1993.

Adopted.

Report adopted.

Ordered to third reading.

**HB 422-FN**, relative to surplus campaign funds. OUGHT TO PASS WITH AMENDMENT.

Rep. Sharleene P. Hurst for Constitutional and Statutory Revision: The Committee believes this bill, as amended, is long overdue. It clears up the inconsistency of the present law and makes the law the same for all candidates. Vote 8-3.

4098L

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to the use of excess campaign contributions by individuals who do not accept expenditure limitations.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Use of Excess Campaign Contributions. Amend RSA 664 by inserting after section 4-b the following new section:

664:4-c Use of Excess Campaign Contributions by Individuals who do not Accept Expenditure Limitations. The following individuals who are not subject to the prohibitions of RSA 664:4-b, and who do not voluntarily agree to limit their campaign expenditures under RSA 664:5-a, shall not use their excess campaign contributions for personal expenses and shall not transfer them to any other candidate:

I. A candidate for the office of United State senator, representative to Congress, governor, councilor, state senator, state representative, or for county office who has campaign contributions remaining 10 days after the election which exceed \$500.

II. An individual who accepts any contribution or makes any expenditure before he has filed his declaration of candidacy, established his candidacy by a primary petition or nominating petitions, or has been nominated by write-in votes at the primary, and who decides not to run for the office for which the funds were contributed and who has campaign contributions remaining after the decision of noncandidacy which exceed \$500.

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill prohibits a candidate for a federal or a state office who has campaign contributions remaining 10 days after the election which exceed \$500, as well as an individual who terminates his candidacy for a political office, and whose campaign contributions exceed \$500 after his decision of noncandidacy, from using his excess campaign contributions for personal expenses and from transferring them to any other candidate.

Adopted.

The Committee offered a floor amendment.

4485L

#### Floor Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted.

Ordered to third reading.

**HB 740-FN**, relative to campaign expenditures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary R. Gilmore for Constitutional and Statutory Revision: The Committee felt a few adjustments to the voluntary campaign spending limits are appropriate. The changes they are recommending in House Bill 740 are a higher limit for executive councilors and state representatives and an increase in fines for those who overspend the voluntary limit by a large amount. Vote 12-0.

Rep. Flanagan moved that the bill be recommitted and spoke to her motion.

Recommitted to Committee.

**SB 184-FN**, relative to voter registration. **REFER FOR INTERIM STUDY.**

Rep. H. Thayer Kingsbury for Constitutional and Statutory Revision: The Committee feels that this bill has merit and recommends refer for Interim Study. Vote 13-2.

Referred for Interim Study.



**HB 632-FN**, relative to special education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan D. Carter for Education: This bill, as amended, deals with time limits for administrative due process hearings relative to special education. The current system is fraught with problems that cause unnecessary expense and anguish for all concerned. The amended bill also provides for the establishment of a committee which would be formed for the purpose of studying other mechanisms for dispute resolution in relation to special education for educationally disabled students. Vote 17-0.

4215L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to administrative due process hearings concerning special education disputes and establishing a committee to study alternative methods of dispute resolution for the special education of educationally disabled students.

Amend the bill by replacing all after the enacting clause with the following:

1 Rulemaking; Administrative Due Process Hearing. Amend RSA 186-C:16, IV to read as follows:

IV. [Appealing school district decisions regarding individualized education plans] ***Requesting administrative due process hearings and appealing a final administrative decision;***

2 New Section; Administrative Due Process Hearing; Appeal of Final Administrative Decision. Amend RSA 186-C by inserting after section 16-a the following new section:

186-C:16-b Due Process Hearing; Appeal.

I. Any action against a local school district seeking to enforce special education rights under state or federal law shall be commenced by requesting an administrative due process hearing from department of education within 2 years of the date on which the alleged violation was or reasonably should have been discovered.

II. Notwithstanding the provisions of paragraph I, any action against a local school district to recover the costs of a unilateral special education placement shall be commenced by requesting an administrative due process hearing from the department of education within 90 days of the unilateral placement.

III. Where the parent, legal guardian or surrogate parent has not been given proper written notice of special education rights pursuant to 20 U.S.C. section 1415(b), including notice of the time limitations established in this section, such limitations shall run from the time notice of those rights is properly given. The department of education shall make available a model notice of rights which school districts may use as one means of complying with this paragraph.

IV. An appeal from a final administrative decision in a special education due process hearing to a court of competent jurisdiction pursuant to 20 U.S.C. section 1415(e) shall be commenced within 120 days from receipt of the final decision. All such decisions shall be sent certified mail, return receipt requested.

V. An action pursuant to 20 U.S.C. section 1415(e) seeking reimbursement for attorney's fees shall be commenced within 120 days from receipt of the final decision

in accordance RSA 186-C:16-b, IV. All such decisions shall be sent certified mail, return receipt requested.

VI. Where a unilateral placement has been made, without the school district of residence being offered a reasonable opportunity to evaluate the child and to develop an individualized education plan, reimbursement may not be sought for any costs incurred until the school district is given an opportunity to evaluate the child and develop an individualized education plan.

#### 3 Committee Established; Duties.

I. There is hereby established a committee to study alternative mechanisms for dispute resolution in relation to special education of educationally disable students. The committee's duties shall include, but not be limited to, investigating ways to reduce the length and expense of due process hearings and exploring alternative procedures for settling disputes.

II. The committee shall be composed of the following members:

- (a) Two representatives, appointed by the speaker of the house.
- (b) Two senators, appointed by the president of the senate.
- (c) One school superintendent, appointed by the New Hampshire School Administrators' Association.
- (d) One special education director, appointed by the New Hampshire Association of Special Education Administrators.
- (e) One member of the state board of education, appointed by the chairman of the state board of education.
- (f) One representative of the Disabilities Rights Center, Inc., appointed by the executive director.
- (g) One representative of the Parent Information Center, appointed by the executive director.
- (h) One representative of the Learning Disabilities Association, appointed by the president.
- (i) One school board member, appointed by the New Hampshire School Boards Association.
- (j) One principal, appointed by the New Hampshire Principals' Association.
- (k) One parent advocate, appointed by the State Advisory Council required by the Individuals with Disabilities Education Act.
- (l) One pediatrician, appointed by the president of the American Academy of Pediatrics, New Hampshire Chapter.
- (m) The commissioner of education, or designee.

III. The members of the committee shall be appointed within 30 days of the effective date of this act. The first named house member shall call the first meeting of the committee. The committee shall elect a chairperson from among its members at the first meeting.

IV. The committee shall make a report regarding its study of dispute resolution mechanisms for special education of educationally disabled students and submit its recommendations to the governor, the speaker of the house and the senate president, on or before November 1, 1992.

#### 4 Effective Date.

- I. Sections 1 and 2 of this act shall take effect 60 days after its passage.
- II. Section 3 of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill requires that any request for an administrative due process hearing for any action against a school district for alleged violations of state or federal special education laws be made within a specified time period and sets out the procedure for appeals of administrative decisions.

In addition, this bill also establishes a committee to study alternative mechanisms for dispute resolution in relation to education of educationally disabled children. The committee shall submit its recommendations to the governor, the speaker of the house, and the senate president on or before November 1, 1992.

Adopted.

Report adopted.

Ordered to third reading.

**HB 263-FN**, establishing a fee structure for used oil marketers. OUGHT TO PASS WITH AMENDMENT.

Rep. Gregory L. Hanselman for Environment and Agriculture: The \$0.02 per gallon fee established by this bill would enable the Department of Environmental Services to monitor marketers of used motor oil to ensure that hazardous materials are not disposed of and incinerated through this means. The Committee was unanimous in concluding that this legislation would protect against a significant public health hazard at minimal cost to consumers. Vote 18-0.

4089L

## Amendment

Amend RSA 147-B:2, VIII-c as inserted by section 1 of the bill by replacing it with the following:

VIII-c. "Marketer" means any person who engages in the act of marketing or supplying used oil, for monetary consideration or not, unless otherwise exempted in this chapter, including but not limited to persons who receive used oil from generators and produce, process, or blend used oil fuel from the used oils received, including persons sending blended or processed used oil to brokers or other intermediaries, and including transporters who take ownership of the oil they collect and distribute but do not process or blend used oil.

Amend RSA 147-B:8, I-a as inserted by section 3 of the bill by replacing it with the following:

I-a. Marketers of used oil that shall be recycled by being burned for energy recovery, which are located in this state, shall pay a quarterly used oil marketer fee to the hazardous waste cleanup fund established in RSA 147-B. The fee shall be paid at the rate of \$.02 per U.S. gallon of used oil that shall be received at the marketer's facility for processing, blending or marketing to a subsequent marketer or burner of used oil fuel. The fee shall be calculated based upon the quantity of used oil received at each marketer's facility from generators or other marketers of used oil and documented on bills of lading. Records of the quantities of used oil received at a marketer's facility shall be made available to authorized representatives of the division of waste management for review and audit upon request.

Amend the bill by replacing section 4 with the following:

4 Used Oil Marketers Exemptions. Amend RSA 147-B:9 to read as follows:  
147-B:9 Exemptions.

**I.** The following shall not be subject to the fees established in RSA 147-B:8:

[I.](a) Sludge from publicly owned treatment works located in the state, as defined in rules adopted by the division of waste management;

[II.](b) Bottom boiler ash and flyash from incinerators which process solely municipal waste, as defined in rules adopted by the division of waste management; and

[III.](c) Hazardous wastes, *except used oil*, which are recycled and exempt from the fee under RSA 147-B:8, II.

**II. *The following shall not be classified as marketers pursuant to RSA 147-B:2, VIII-c unless they transfer their used oil directly to a person who burns it for energy recovery:***

*(a) Municipalities which collect used motor oil for recycling.*

*(b) Used oil generators.*

*(c) Transporters who transport used oil received only from generators.*

*(d) Generators and transporters who collect used oil only from generators and transfer used oil to incidental burners. Persons who burn some used oil fuel for the purposes of processing or other treatment to produce used oil fuel for marketing shall be considered to be burning incidentally to processing.*

Adopted.

Report adopted.

Ordered to third reading.

**HB 280-FN**, relative to motor vehicle emissions control requirements for carbon monoxide and hydrocarbons. INEXPEDIENT TO LEGISLATE.

Rep. Bonnie L. McCann for Environment and Agriculture: The issue that House Bill 280 addresses is now being addressed in a new bill. Vote 13-0.

Adopted.

**HB 582-FN**, relative to ozone-depleting compounds. OUGHT TO PASS.

Rep. Bonnie L. McCann for Environment and Agriculture: This bill requires that unnecessary emissions of ozone-depleting chemicals, such as chlorofluorocarbons (CFCs) and halons used in motor vehicle air conditioners and in certain products, be reduced and eventually eliminated by regulating the use of sale of various products or equipment containing, extracting, or reclaiming such chemicals. Vote 12-6.

Rep. Roulston moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass and spoke to his motion.

#### LAIID ON THE TABLE

Rep. Bonnie McCann moved that **HB 582-FN**, relative to ozone-depleting compounds, be laid on the table.

Adopted.

**HB 615-FN**, relative to sand and gravel. INEXPEDIENT TO LEGISLATE.

Rep. David M. Scanlan for Environment and Agriculture: The content of this bill was satisfactorily addressed in the passage of House Bill 742 last session. Vote 11-0.

Adopted.

**HB 639-FN**, establishing reuse and same use beverage container requirements. INEXPEDIENT TO LEGISLATE.

Rep. Nancy L. Tarpley-Bamberger for Environment and Agriculture: House Bill 639, at the suggestion of the sponsor, was to be combined with House Bill 699. Both bills dealt with reducing the solid waste generated from beverage containers. Vote 13-0.

Adopted.



**HB 646-FN**, relative to the disposal of certain solid waste products and leaf and yard waste. OUGHT TO PASS WITH AMENDMENT.

Rep. Nancy L. Tarpley-Bamberger for Environment and Agriculture: House Bill 646 eliminates wet-cell batteries from being composted and establishes deadlines for deposit of leaf and yard waste in landfills and incinerators. Vote 13-0.

3699L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Composting Facility Added; Leaf and Yard Waste Disposal Restricted. Amend RSA 149-M:22, V to read as follows:

V. Beginning January 1, 1991, no wet-cell batteries shall be disposed of in a solid waste landfill facility *or composting facility* or incinerated, whether in a waste-to-energy facility or otherwise.

*VI. Beginning July 1, 1993, no leaf or yard waste shall be disposed in a lined solid waste landfill or incinerator including any waste to energy facility. Beginning July 1, 1995, no leaf or yard waste shall be disposed in an unlined landfill. This paragraph shall not apply to municipalities organized under RSA 53-A, RSA 53-B, or 1986, 139, if application of the paragraph would cause the municipality to violate or incur penalties under legal obligations existing on the effective date of this paragraph. Any person who violates this paragraph shall be subject to the penalties and enforcement provisions of RSA 149-M:12.*

2 Effective Date. This act shall take effect January 1, 1993.

### AMENDED ANALYSIS

The bill prohibits the disposal of leaf and yard waste in a solid waste landfill, composting facility or incinerator, including waste to energy facilities.

Adopted.

Report adopted.

Ordered to third reading.

**HB 651-FN**, establishing a hazardous materials cleanup fund. INEXPEDIENT TO LEGISLATE.

Rep. David M. Scanlan for Environment and Agriculture: The Committee felt that this issue might best be addressed by giving municipalities the authority to collect reimbursement from the responsible party for the cost of cleaning up hazardous materials spill. The Committee thought this type of proposal might best come from the New Hampshire Municipal Association. Vote 13-0.

Adopted.

**HB 679-FN**, relative to New Hampshire compliance with the Clean Air Act. INEXPEDIENT TO LEGISLATE.

Rep. Bonnie L. McCann for Environment and Agriculture: The language that is in House Bill 679 is being incorporated into a new bill in order to give the full House the proper time to adequately consider and respond to the full impact of the 1991 federal clean air bill. Vote 17-0.

Adopted.

**HB 699-FN**, relative to solid waste reduction. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Marilyn R. Campbell for the Majority of Environment and Agriculture: It was the opinion of the Majority of the Committee that this bill might have negative effects

on the voluntary recycling efforts now being carried by communities. It also might end up mandating communities to set up recycling centers if no private enterprise comes forward. Vote 13-5.

Reps. Betty B. Hall, Gregory L. Hanselman, Daniel M. Burnham, Linda Griebisch, and Amanda A. Merrill for the Minority of Environment and Agriculture: The Legislature established a recycling goal of 40 percent in the last session. According to the latest figures, supplied by the Department of Environmental Services, we are recycling at the rate of 20 percent. The current cost of recycling is supported almost entirely by the overburdened property tax. If we are to reach our goal, incentives to consumers and municipalities are needed. The Minority believes the handling fee of \$0.03 for each beverage container, returned to the municipalities under this bill, will encourage additional municipalities to participate in recycling. An amendment proposing improvements to the original bill will be ready for the House's consideration in January.

### SPECIAL ORDER

Reps. Elizabeth Greene and Betty Hall moved that **HB 699-FN**, relative to solid waste reduction, be made a special order for January 16.

Adopted.

**HB 730-FN**, imposing a fee on all motor vehicles and granting certain rulemaking authority to the division of air resources. **INEXPEDIENT TO LEGISLATE**.

Rep. Gregory L. Hanselman for Environment and Agriculture: The \$1 fee on motor vehicles or "tail pipe tax," created by this bill, was determined by the Committee as not the best solution to funding requirements of the Federal Clean Air Act. Other legislation, advanced by the Committee, will address this issue. Vote 17-0.

Adopted.

**SB 186-FN**, establishing a committee to study household hazardous waste. **INEXPEDIENT TO LEGISLATE**.

Rep. David M. Scanlan for Environment and Agriculture: Senate Bill 186 is a duplication of efforts already established by previous laws. Vote 18-0.

Adopted.

**HB 404-FN**, relative to certification of wetland scientists. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill was critically reviewed by the Subcommittee and two hearings were held this fall. Although the Subcommittee recognized the on-going value of this speciality, it was unanimously agreed that certification is not essential at this time. In a related issue, a Subcommittee reviewed House Bill 367, relating to the profession of engineering. It became apparent that a review of the Joint Board of Licensure for Engineers, Architects, Land Surveyors, Natural Scientists, and Foresters has to be examined. House Bill 404 would have added the wetland scientists to that Joint Board.

The amendment to House Bill 404, which replaces the original wording of the bill, provides a study vehicle for the Committee to review and make recommendations regarding registration, certification, and licensure for each of the professions within the Joint Board. In addition, the issue (or framework) in which the wetland scientists might fit within this Joint Board will be examined. Vote 15-1.

## SPECIAL ORDER

Rep. Ward moved that **HB 404-FN**, relative to certification of wetland scientists, be made a special order for January 16.

Adopted.

**HB 477-FN**, relative to agency authority to make rules and impose administrative fines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William P. Boucher for Executive Departments and Administration: The Subcommittee redrafted House Bill 477 to "band aid" some major problems with rules (RSA 541-A). The guide to more substantial changes is CACR 12 which will be on the ballot in November 1992. The voters will set the stage for any changes beyond those embodied in House Bill 477. The Committee gives a top priority to public hearings and due notice to those affected by agency rules when adopted. Vote 13-3.

4094L

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to public hearings, notice, and the filing of rules  
under the administrative procedure act.

Amend the bill by replacing all after the enacting clause with the following:

1 Content of Notice. Amend RSA 541-A:3-a, III(e) to read as follows:

(e) the date of [intention to hold a] *the first agency public hearing [or] and the cut-off date for the submission of written materials to the agency;*

2 Notice to Licensees of Agencies Regarding Rulemaking Proceedings. Amend RSA 541-A:3-a, IV to read as follows:

IV. The agency shall send notice to the director of legislative services, to the president of the senate and the speaker of the house of representatives, to the chairman of the fiscal committee, to the chairmen of the legislative committees having jurisdiction over the subject matter, *to all persons who hold or have applied for occupational licenses from the agency* and to all persons who have made timely request of the agency for advance notice of its rulemaking proceedings. *Notice shall be sent not less than 20 days before the first agency public hearing required by RSA 541-A:3-c.*

3 Hearing Required. RSA 541-A:3-c, I is repealed and reenacted to read as follows:

I. Each agency shall hold at least one public hearing on all proposed rules and shall afford all interested persons reasonable opportunity to testify and to submit data, views or arguments in writing in accordance with the terms of the notice.

4 Effective Date. This act shall take effect January 1, 1993.

## AMENDED ANALYSIS

This bill requires notice or proposed rules changes, under the administrative procedures act, to be given at least 20 days before the first required agency public hearing. Such notice shall be given to all persons who hold or have applied for occupational licenses from the agency in addition to those entitled to notice under current law.

Adopted.

Report adopted.

Ordered to third reading.

**HB 527-FN-A**, licensing speech-language pathologists and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen W. Ward for Executive Departments and Administration: This legislation proposed licensing speech-language pathologists. The Committee found no public harm with the present certification administered by the Department of Education. The oversight of this profession in a medical setting is provided through a doctor's office and/or a hospital from whence they practice. Vote 9-5.

### **SPECIAL ORDER**

Rep. Ward moved that **HB 527-FN-A**, licensing speech-language pathologists and making an appropriation therefor, be made a special order for January 16.

Adopted.

**SB 120-FN-A**, establishing a sunset committee and restoring the sunset review process and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William P. Boucher for Executive Departments and Administration: The Subcommittee, after three public hearings with dismal public participation, endorsed the concept of legislative oversight of government activities commonly referred to as "sunset." The direction of Senate Bill 120 is toward a volunteer committee structure to accomplish the sunset process. It hopes to use the "Government Operations Task Force" created in House Bill 65 (the 1991 Trailer Bill) in this process. The amendment creates a Task Force on Sunset Review Process to create a legislative oversight process using Senate Bill 120 as a benchmark.

It has also given the "Sunset" Task Force an additional task, that of preparing legislation to implement CACR 12 (relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.) should the voters adopt the amendment. This will allow the legislature the ability to "hit the deck running" should it want or need to adopt the provisions of the CACR. Vote 15-0.

4125L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a task force on a sunset review process and the authority of the general court to disapprove proposed administrative rules.

Amend the bill by replacing all after the enacting clause with the following:

I Task Force on a Sunset Review Process and Administrative Rulemaking Authority Established; Membership; Duties and Responsibilities; Reports.

I. There is hereby established the task force on a sunset review process and administrative rulemaking authority which shall consist of 5 members of the house, appointed by the speaker of the house and 5 members of the senate, appointed by the president of the senate. Members of the committee shall serve without compensation except that they shall receive mileage at the legislative rate.

II. The task force shall review SB 120-FN-A as introduced in the 1991 legislative session and shall make recommendations about, but not limited to, establishing a legislative oversight process. The task force shall prepare a final report, and submit it to the governor, the speaker of the house, and the senate president no later than November 1, 1992.



III. If CACR 12 of the 1991 session of the general court is approved by 2/3 of those voting on the amendment, the task force shall study and make recommendations for legislation regarding the procedure by which the general court may approve or disapprove proposed administrative rules. The task force shall prepare a final report and submit it to the governor, the speaker of the house, and the senate president no later than January 1, 1993.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a task force on a sunset review process and administrative rulemaking authority to review Senate Bill 120-FN-A as introduced in the 1991 legislative session. The task force is required to make recommendations about, but not limited to, establishing a legislative oversight process. The task force is also required, if CACR 12 is approved by the voters, to study and make recommendations for legislation regarding the procedure by which the general court may approve or disapprove proposed administrative rules.

Adopted.

Report adopted.

Ordered to third reading.

**HB 585-FN**, recodifying the laws relative to emergency medical services. OUGHT TO PASS WITH AMENDMENT.

Rep. Alice S. Ziegler for Health, Human Services and Elderly Affairs: After an extensive hearing and much testimony throughout the summer, the Committee approved an amendment recodifying Emergency Medical Services. Vote 9-2.

Rep. Robert Foster moved that the words Recommit to Committee be substituted for the report of the Committee. Ought to Pass with Amendment.

Recommitted to Committee.

**HB 775-FN**, relative to social security cost-of-living increases to certain recipients of assistance. INEXPEDIENT TO LEGISLATE.

Rep. Mary C. Holmes for Health, Human Services and Elderly Affairs: This bill would not be a benefit to the Social Security recipient, but to the residential care facility. The COLA would, by this bill, be signed over to the residential care facility by the Social Security recipient. This is in addition to the \$640 which the state pays to the resident. Forty dollars of this is kept by the resident for his/her personal needs allowance. The remaining \$600 is signed over by the recipient to the care facility for his/her board and care. All residential care facilities thus receive the same amount for residents' care. Vote 10-2.

Adopted.

**HB 410-FN**, relative to certification as an habitual offender for DWI-related convictions. OUGHT TO PASS WITH AMENDMENT.

Rep. Donnalee M. Lozeau for Judiciary: This bill, as amended, allows the county correctional facility the same provisions of the state correctional facilities relative to alternative sentencing. It also requires (although not through statute) the Department of Safety to bring its point system in line with current law rather than in conflict with current law and make legislative recommendations by December 1992. Vote 16-1.

3864L

#### Amendment

Amend the bill by replacing the title with the following:

## AN ACT

relative to alternatives to incarceration and requiring the commissioner of the department of safety to review and make legislative recommendations on the point system as it applies to habitual offenders.

Amend the bill by replacing all after the enacting clause with the following:

I Alternatives to Incarceration. Amend RSA 651:2, V to read as follows:

V.(a) A person may be placed on probation if the court finds he is in need of the supervision and guidance that the probation service can provide under such conditions as the court may impose. The period of probation shall be for a period to be fixed by the court not to exceed 5 years for a felony, 2 years for a misdemeanor and one year for a violation. Upon petition of the probation officer or the probationer, the period may be terminated sooner by the court if the conduct of the probationer warrants it.

(b) In cases of persons convicted of felonies or misdemeanors, *or in cases of persons found to be habitual offenders within the meaning of RSA 259:39 and convicted of an offense under RSA 262:23*, the sentence may include, as a condition of probation, confinement to a person's place of residence for not more than one year in case of a misdemeanor or more than 5 years in case of a felony. Such home confinement may be monitored by a probation officer and *may be* supplemented, as determined by the department of corrections *or by the county department of corrections*, by electronic monitoring to verify compliance.

(c) Upon recommendation by the department of corrections *or by the county department of corrections*, the court may, as a condition of probation, order a incarceration-bound offender placed in an intensive supervision program as an alternative to incarceration, under requirements and restrictions established by the department of corrections *or by the county department of corrections*.

(d) Upon recommendation by the department of corrections *or by the county department of corrections*, the court may sentence a incarceration-bound offender to a special alternative incarceration program involving short term confinement followed by intensive community supervision.

(e) The department of corrections *and the various county departments of corrections* shall adopt rules governing eligibility for [such] *home confinement, intensive supervision and special alternative incarceration* programs.

(f) Any offender placed in [either the] *a* home confinement, intensive supervision or special alternative incarceration program who violates the conditions or restrictions of his probation shall be subject to immediate arrest by a probation officer or any authorized law enforcement officer and brought before the court for an expeditious hearing pending further disposition.

2 Point System; Recommended Legislation. The commissioner of the department of safety shall review the definition of "habitual offender" in RSA 259:39, the demerit point system for the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic regulations which has been adopted by rule pursuant to RSA 263:56, II, and the procedures for hearing and finding of habitual offender status under RSA 262:19. The commissioner shall recommend legislation to define "habitual offender" by reference to a demerit point system and to establish, by law, such demerit point system with procedures for hearing and finding of habitual offender status. The commissioner shall file a report, including draft legislation, with the president of the senate, the speaker of the house,

and the chairpersons of the senate and house transportation and judiciary committees not later than December 30, 1992. In the absence of further legislation to the contrary, nothing in this section shall be construed to affect any existing law or rules.

3 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill allows the county departments of corrections to determine and supervise alternative incarceration programs. It permits home confinement with electronic monitoring for habitual offenders who drive after revocation or suspension.

The bill requires the commissioner of the department of safety to review and make legislative recommendations on the current definition of "habitual offender" and the point system for purposes of determining habitual offender status.

Adopted.

Report adopted.

Ordered to third reading.

**HB 526-FN**, authorizing sentencing to extended terms of imprisonment by district court justices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donnalee M. Lozeau for Judiciary: The Committee believes this will aid in the problem of repeat offenders. This allows the court the discretion to extend the sentence under the extended terms statute. Some of the offenses are misdemeanors, but most are felonies - murders, first and second degree assault, theft by extortion. They are just some examples of the offenses recommended for these enhanced sentences. Vote 16-2.

3865L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to extended terms of imprisonment and transfers to the state prison.

Amend the bill by replacing all after the enacting clause with the following:

1 Extended Term of Imprisonment; Multiple Convictions. Amend RSA 651:6, I(g) to read as follows:

(g) He was substantially motivated to commit the crime because of hostility towards the victim's religion, race, creed, sexual orientation, national origin or sex[.]; *or*

*(h)(1) He has 3 times previously been convicted, in this state or in any other jurisdiction, of an offense described in the following or any combination of offenses described in the following totaling 3:*

*(A) RSA 630, homicide.*

*(B) RSA 631:1, 631:2, and 631:2-a, assault.*

*(C) RSA 632-A:2, 632-A:3, and 632-A:4; sexual assault.*

*(D) RSA 633:1 and 633:3; kidnapping and false imprisonment.*

*(E) RSA 634:1, arson.*

*(F) RSA 637:5, theft by extortion.*

*(G) RSA 631:4, criminal threatening involving the use of a firearm.*

*(H) RSA 645:1, indecent exposure.*

*(2) An attempt, conspiracy, or accomplice conviction involving any of the foregoing crimes shall be deemed the same as conviction of the crime itself. This*

*subparagraph shall apply only if each of the 3 offenses constituted a crime under the law in existence in the applicable jurisdiction at the time when the offense was committed.*

2 Extended Terms of Imprisonment; Sentencing Procedure. Amend RSA 651:6 by inserting after paragraph II the following new paragraph:

III(a). When any person is convicted of a misdemeanor resulting in incarceration in a district court and the court finds that an extended term of imprisonment should be imposed, the court shall not impose sentence, but shall make written findings of fact supporting the conviction and shall set forth in writing the reasons that an extended term of confinement should be imposed. Said findings and reasons shall be certified to the superior court along with a recommendation from the district court judge with regard to the specific sentence which should be imposed. Where the district court conviction is appealed and the defendant is again convicted in the superior court, the superior court shall consider the district court recommendation during sentencing in the same manner as it would consider a sentence imposed by a district court in any case prior to de novo appeal. Where the district court conviction results from a plea of guilty or nolo contendere, or from a trial where the conviction is not appealed, the district court shall transfer the case to the superior court for sentencing only. The superior court shall review the district court findings, reasons, and recommendation prior to imposing sentence, provided that the superior court may order a presentence investigation or take additional evidence from the parties prior to sentencing.

(b) In any case in which the superior court determines that the extended term of imprisonment recommended by the district court should not be imposed, or that the recommendation should not be adopted with respect to the specific terms of the sentence which is imposed, the superior court judge shall set forth the reasons for not imposing an extended term of imprisonment or for not adopting the recommendation of the district court, and said reasons shall be included in the official superior court record. This requirement shall not be deemed to vest a defendant with a right that such reasons be stated on the record and any failure to so state said reasons shall not constitute grounds for any appeal of sentence. This requirement is intended by the general court to provide the public with information regarding sentencing in criminal cases.

3 Transfers of Prisoners. RSA 21-H:8, VI is repealed and reenacted to read as follows:

VI. The commissioner may enter into contracts with the state's counties, the governments of other states, and the federal government, and appropriate private agencies or facilities and make proper and necessary arrangements with them for the transfer and reception of inmates *and allow transfers to state prisons of any person. Any person who is confined awaiting trial on a felony charge may be transferred to the state prison from the county correctional facility, upon the recommendation of the superintendent of the county department of corrections, and with the approval of the county commissioners of said county.*

4 Transfer Procedure. Amend RSA 623:4 to read as follows:

623:4 Transfer Procedure. No person shall be transferred pursuant to the provisions of RSA 623:2 and [623:3] *21-H:8, VI* unless both the commissioner of corrections and the respective superintendent of the county department of corrections sign an authorization to permit such a transfer.

5 Repeal. RSA 623:3, relative to transfers to the state prison, is repealed.

6 Effective Date. This act shall take effect 60 days after its passage.



## AMENDED ANALYSIS

This bill allows the court to impose an extended term of imprisonment on a fourth conviction when the defendant has 3 prior convictions for certain crimes.

The bill establishes a procedure for sentencing to an extended term of imprisonment for a person convicted of a misdemeanor in a district court.

The bill also makes some reference changes in the laws regarding transfer procedures.

Adopted.

Report adopted.

Ordered to third reading.

**HB 689-FN**, relative to administrative motor vehicle license revocation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David D. Hultgren for Judiciary: Administrative license suspension laws have been enacted in 27 states. The Committee felt that the passage of this law would improve the DWI laws in our state. Vote 17-2.

Rep. Martling moved that the bill be recommitted.

Recommitted to Committee.

**HB 693-FN**, relative to disclosure of tax records related to investigations by the attorney general and relative to forfeiture of items seized in connection with controlled drug offenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donnalee M. Lozeau for Judiciary: This subject is very controversial. However, the bill itself, along with the amendment, clarifies the current law relative to items and procedures involved in drug forfeiture. The Committee debated extensively and agreed to allow passage of these clarifications, but to follow through with a new bill which will allow the whole subject of drug forfeiture to go through the proper procedure. The Rules Committee has allowed the new bill in and the Committee is dedicated to address this issue in full. Vote 11-5.

## SPECIAL ORDER

Rep. Burling moved that **HB 693-FN**, relative to disclosure of tax records related to investigations by the attorney general and relative to forfeiture of items seized in connection with controlled drug offenses, be made a special order for January 16.

Adopted.

**SB 27-FN**, relative to extended terms of imprisonment for assault crimes where the victim is a law enforcement officer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alf E. Jacobson for Judiciary: This bill extends the extended terms of imprisonment statute to include the crimes against a police officer acting in the line of duty. The amendment provides the prospect of the same extension when a police officer commits a similar crime. Vote 12-6.

3843L

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to extended terms of imprisonment for assault crimes where  
the victim or perpetrator is a law enforcement officer.

Amend the bill by replacing all after the enacting clause with the following:

1 Extended Term of Imprisonment. Amend RSA 651:6, I(g) to read as follows:

(g) He was substantially motivated to commit the crime because of hostility towards the victim's religion, race, creed, sexual orientation, national origin or sex[.]; *or*

*(h) He has knowingly committed or attempted to commit any of the crimes defined in RSA 631 where he knows the victim was, at the time of the commission of the crime, a law enforcement officer acting in the line of duty; or*

*(i) He was an on-duty law enforcement officer at the time that he committed or attempted to commit any of the crimes defined in RSA 631.*

2 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill provides for extended terms of imprisonment for assault crimes where the victim is a law enforcement officer and where the perpetrator is a law enforcement officer.

Adopted.

Report adopted.

Ordered to third reading.

**SB 81**, relative to damages for wrongful death. INEXPEDIENT TO LEGISLATE.

Rep. Elizabeth D. Lown for Judiciary: The Committee, although concerned about inequities in the present system of compensation for families of victims of negligent death, feels that the scope of damages expanded by this bill, would increase exposure, risk and cost to the taxpayer making SB 81 not feasible at this time. The system is now predictable. This bill would make it unpredictable and would put us at a competitive disadvantage with other states. Vote 10-7.

Adopted.

**SB 154-FN**, relative to the jurisdiction of state police employees. INEXPEDIENT TO LEGISLATE.

Rep. Donna Lee M. Lozeau for Judiciary: Although the Committee attempted to find a compromise relative to the issue of jurisdiction, there were no problems brought before it relative to a need that was not covered by current law. Those members interested are encouraged to read current law RSA 106-B:15. It is clear under this law that all jurisdictional situations are addressed so that all criminal situations are covered with regard to the public safety. This issue comes before the Committee regularly and will probably be back. Vote 12-4.

Adopted.

**HB 524-FN**, to allow municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption. INEXPEDIENT TO LEGISLATE.

Rep. John A. Middleton for Municipal and County Government: The Committee feels that adequate legislation is already in place to cover exemptions over age 65. This bill would establish dollar amounts for exemption purposes and assets also in dollar amounts which would increase the burden of tax base and tax rate on other taxpayers. Vote 13-2.

Adopted.

**HB 564-FN**, enabling towns and cities to establish heritage commissions. OUGHT TO PASS WITH AMENDMENT.

Rep. Katherine H. Metzger for Municipal and County Government: This bill comes as a suggestion from the Governor's Commission on New Hampshire in the

21st Century. It is enabling legislation. In the public hearings conducted in the 1991 session, all testimony was favorable. However, the Committee felt that the mechanics needed to be worked out. This has been accomplished during the re-referral process. The bill allows municipalities, which wish to do so, to establish an advisory commission to encourage the protection of cultural resources. Vote 14-2.

3694L

### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

#### **I Purpose and Intent.**

I. New Hampshire's towns and cities are filled with a rich blend of natural and cultural resources which define their special character. There is a genuine need to help each municipality to identify and protect these resources. While local conservation commissions give communities a vehicle to protect natural resources, the effort to protect cultural resources is less comprehensive. Man-made resources - recognized for their historic, cultural, artistic and community significance - frequently suffer from neglect or unsympathetic action.

II. The general court appreciates the necessity of identifying and protecting the cultural "cornerstones" of our towns and cities. Toward that end, each municipality shall be authorized to establish a heritage commission. This commission will function as an advisory board for the entire community. In communities with historic districts heritage commissions additionally may assume the duties, if authorized by the local legislative body, of the current historic district commissions.

2 New Subdivision; Heritage Commission. Amend RSA 674 by inserting after section 44 the following new subdivision:

#### **Heritage Commission**

674:44-a Heritage Commission. A heritage commission may be established in accordance with RSA 673 for the proper recognition, use, and protection of resources, tangible or intangible, primarily man-made, that are valued for their historic, cultural, aesthetic, or community significance within their natural, built, or cultural contexts.

#### **674:44-b Powers.**

I. Generally. Heritage commissions shall have advisory and review authority, specifically, as follows:

(a) Survey and inventory all cultural resources.

(b) Conduct research and publish findings, including reports to establish the legal basis for a district and preparation of historic district ordinances within the municipality prior to its adoption or amendment as provided in RSA 675:6-a.

(c) Assist the planning board, as requested, in the development and review of those sections of the master plan which address cultural and historic resources.

(d) Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting cultural and historic resources.

(e) Coordinate activities with appropriate service organizations and nonprofit groups.

(f) Publicize its activities.

(g) Hire consultants and contractors as needed.

(h) Receive gifts of money and property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the board of

selectmen in a town, such gifts to be managed and controlled by the commission for its proper purposes.

II. Property. The commission may acquire, in the name of the town or city, by gift, purchase, grant, bequest, devise, lease, or otherwise a fee or lesser interest, development rights, covenant, or other contractual right, including conveyances with conditions, limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly use the cultural resources of the city or town, and shall manage and control the same; provided, however, that the city, town, or commission shall not have the right to condemn property for these purposes.

III. Historic District Commission. Heritage commissions also may assume, if authorized by the local legislative body, the composition and duties of historic district commissions.

674:44-c Separate Commissions. A municipality may choose to maintain a separate and distinct heritage commission and historic district commission. In such cases, the heritage commission shall serve in an advisory capacity to the historic district commission as well as to the planning board and other local boards and residents.

674:44-d Appropriations Authorized.

I. A town or city, having established a heritage commission under this subdivision, may appropriate money as deemed necessary to carry out its purposes. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 674:44-b shall be placed in a heritage fund and allowed to accumulate from year to year. Money may be expended from such fund by the heritage commission for its purposes without further approval of the town meeting.

II. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the heritage fund and shall pay out the same only upon order of the heritage commission. The disbursement of heritage funds shall be authorized by a majority of the heritage commission. Prior to the use of such funds for the purchase of any interest in real property, the heritage commission shall hold a public hearing with notice in accordance with RSA 675:7.

3 Town Treasurer's Custody of Funds. Amend RSA 41:29, I to read as follows:

I. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, *or in the case of a heritage commission fund established pursuant to RSA 674:44-a upon the order of the heritage commission*, or in the case of fees held pursuant to RSA 673:16, II, upon the order of the local land use board or its designated agent.

4 City Treasurer's Custody of Funds. Amend RSA 48:16, IV to read as follows:

IV. The city treasurer shall pay out fees held pursuant to RSA 673:16, II upon the order of the local land use board or its designated agent *or in the case of moneys held pursuant to RSA 674:44-a upon order of the heritage commission*.

5 Establishment of Heritage Commissions. Amend RSA 673:1, II to read as follows:

II. Any local legislative body may establish a *heritage commission*, historic district commission, *or both*.

6 New Section; Heritage Commissions. Amend RSA 673 by inserting after section 4 the following new section:

673:4-a Heritage Commissions.



I. The heritage commission shall consist of not less than 3 members and no more than 7 members, all of whom shall be residents in the town or city in which the commission is established.

II. In cities, members of the commission shall be appointed by the mayor, subject to the provisions of the city charter, and in towns the members shall be appointed by the governing body. One member may be a member of the planning board. One or 2 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, he shall have full voting powers. At least one member of the governing body shall serve as an ex officio member. If there is a historic district commission, one member of this commission shall be an ex officio member of the heritage commission.

III. All terms shall be for 3 years, except that initial appointments shall be staggered so that 1/3, or as close to 1/3 as possible, of the commission member shall be appointed each year. A vacancy for an unexpired term shall be filled, in the same manner as an original appointment. A chairman shall be elected by the members for a one-year term.

7 Planning Board Members as Heritage Commission Members. Amend RSA 673:7, II(c) to read as follows:

(c) Either one appointed member or one ex officio member may be a member of the *heritage commission*, or the historic district commission, or both, if [one] *such a commission* exists in the city.

8 Scheduling of Meetings. Amend RSA 673:10, I to read as follows:

I. Meetings of the *heritage commission*, historic district commission, the building code board of appeals, and the zoning board of adjustment shall be held at the call of the chairman and at such other times as the board may determine.

9 Disqualification of Member. Amend RSA 673:14, I to read as follows:

I. No member of a zoning board of adjustment, building code board of appeals, planning board, *heritage commission*, or historic district commission shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

10 Abolishing a Heritage Commission. Amend RSA 673:18 to read as follows:

673:18 Abolishing Planning Board, *Heritage Commission*, or Historic District Commission.

I. The local legislative body of a city, of a county in which there are located unincorporated towns or unorganized places, or of a town operating under the town council form of government, shall determine the manner in which the planning board, *the heritage commission*, or the historic district commission may be abolished.

II. In all other towns, upon a petition to abolish the planning board, *the heritage commission*, or the historic district commission, signed by 100 or more voters or 1/10 of the registered voters in town, whichever number is less, the planning board, *heritage commission*, or [the] historic district commission shall submit the proposal to the town or village district in the same manner prescribed in RSA 675:4, except that the question put to the voters shall be in substantially the following form: "Are

you in favor of abolishing the planning board (*heritage commission, or* historic district commission) as proposed by petition of the voters of this town (village district)?”

11 Effect of Abolishing Heritage Commission. Amend RSA 673:20 to read as follows:

673:20 Effect of Abolishing *Heritage Commissions and* Historic District Commissions. Upon the effective date of the abolition of a *heritage commission or* historic district commission, all the powers and duties of [the] *such* commission [designed to carry out the purposes of a historic district] shall cease.

12 Transfer of Documents. Amend the section heading and paragraph I of RSA 673:21 to read as follows:

673:21 Transfer of Documents Upon Abolition of Planning Board, *Heritage Commission, and* Historic District Commission.

I. Whenever a *heritage commission or* historic district commission is abolished, the records shall be transferred to the planning board. In a municipality where a planning board does not exist, the records shall be transferred to the city, town, or village district clerk, or to the clerk for the county commissioners, whichever is appropriate.

13 Purposes of Historic Districts. Amend the introductory paragraph of RSA 674:45 and paragraphs I and II to read as follows:

The preservation of *cultural resources, and particularly of* structures and places of historic [and], architectural *and community* value is hereby declared to be a public purpose. The heritage of the municipality will be safeguarded by:

I. Preserving [a district] *districts* in the municipality which [reflects] *reflect* elements of its cultural, social, economic, political, *community* and architectural history;

II. Conserving property values in such [district] *districts*:

14 Business Promotion. Amend RSA 674:45, V to read as follows:

V. Promoting the use of [a] historic [district] *districts* for the education, pleasure and welfare of the citizens of the municipality.

15 Powers and Duties of Historic Districts Relative to Heritage Commissions. RSA 674:46-a, I is repealed and reenacted to read as follows:

I. For the purpose of establishing a legal basis for the district, the historic district commission may perform research and prepare the content of the historic district ordinance prior to its adoption or amendment as provided in RSA 675:2. In cases in which a municipality chooses to have both a heritage commission and a historic district commission, the historic district commission may request assistance from the heritage commission in performing research and preparing the content of the historic district ordinance.

16 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows municipalities to establish heritage commissions which may have the following functions:

I. To determine proper recognition, use, and protection of resources, tangible or intangible, primarily man-made, that are valued for their historic, cultural, aesthetic or community significance for the entire municipality.

II. To advise other boards, agencies and resident as to the value, condition and needs of the cultural resources of the municipality, particularly those of historic, architectural and community significance.

III. To assume the regulatory functions of historic district commissions, within certain designated areas known as historic districts.

The municipality may authorize the heritage commission to perform any or all of the above functions.

Adopted.

Report adopted.

Ordered to third reading.

**HB 510-FN**, relative to the energy conservation construction code. INEXPEDIENT TO LEGISLATE.

Rep. Alan B. Greenglass for Science, Technology and Energy: The Public Utilities Commission has assured the Committee that rulemaking procedures for commercial buildings are underway. Therefore, this legislation has been deemed unnecessary. Vote 8-3.

Adopted.

**HB 599-FN**, relative to the storage and disposal of low-level radioactive waste. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Charles C. Vogler for the Majority of Science, Technology and Energy: Since the Nuclear Regulatory Commission (NRC) has withdrawn its policy concerning "Below Regulatory Concern" low-level nuclear waste, the majority of the Committee, believes this legislation is not required at this time. Vote 9-2.

Reps. Amanda A. Merrill and Gary R. Gilmore for the Minority of Science, Technology and Energy: This bill states that materials presently handled as radioactive shall continue to be handled as radioactive, regardless of future deregulation by the Nuclear Regulatory Commission i.e. the NRC's proposed "Below Regulatory Concern (BRC)" program which would reclassify up to 30 percent of low-level radioactive waste as regular solid waste. BRC is an issue currently under the scrutiny of the US Congress and the NRC. This is a highly appropriate time for New Hampshire to join 11 other states in declaring our wish to maintain a state policy designed to provide maximum public protection from exposure to radiation. It is our responsibility to let the federal government know that we do not favor a policy that includes as an acceptable outcome a significant increase in deaths from exposure to radioactive materials.

#### SPECIAL ORDER

Rep. Rodeschin moved that **HB 599-FN**, relative to the storage and disposal of low-level radioactive waste, be made a special order for January 16.

Adopted.

**HB 778-FN**, relative to the laws against discrimination. OUGHT TO PASS WITH AMENDMENT.

Rep. Mary E. Molner for State Institutions and Housing: The intent of House Bill 778 is to amend RSA 354-A to become substantially equivalent to federal fair housing law. Protection against discrimination for families with children has been included. Regulations prohibiting sexual harassment and discrimination against pregnant women are codified. Vote 9-1.

#### SPECIAL ORDER

Rep. Tufts moved that **HB 778-FN**, relative to the laws against discrimination, be made a special order for January 16.

Adopted.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet January 16 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 762-FN**, to incorporate the inhabitants of the northeasterly part of Laconia into a separate town to be known as Weirs Beach, with all the privileges and immunities of other towns in this state.

**SB 193-FN**, relative to limits on motorboat speeds.

**HB 343-FN**, to define total expenditures made during a state primary election.

**HB 422-FN**, relative to the use of excess campaign contributions by individuals who do not accept expenditure limitations.

**HB 632-FN**, relative to administrative due process hearings concerning special education disputes and establishing a committee to study alternative methods of dispute resolution for the special education of educationally disabled students.

**HB 263-FN**, establishing a fee structure for used oil marketers.

**HB 646-FN**, relative to the disposal of certain solid waste products and leaf and yard waste.

**HB 477-FN**, relative to public hearings, notice, and the filing of rules under the administrative procedure act.

**SB 120-FN-A**, establishing a sunset committee and restoring the sunset review process and making an appropriation therefor.

**HB 410-FN**, relative to alternatives to incarceration and requiring the commissioner of the department of safety to review and make legislative recommendations on the point system as it applies to habitual offenders.

**HB 526-FN**, relative to extended terms of imprisonment and transfers to the state prison.

**SB 27-FN**, relative to extended terms of imprisonment for assault crimes where the victim is a law enforcement officer.

**HB 564-FN**, enabling towns and cities to establish heritage commissions.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolled bills reports only.

Adopted.

The House recessed at 5:25 p.m.

### RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 4

Thursday, January 16, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O God of wisdom and tenderness, make us instruments of Your peace. Lift us above disillusionment, nourish our lives with purpose and direction, and grant us the capacity to differ and yet to love. Amen.

Rep. Lionel Johnson led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Annette Cooke, Feuerstein, Harry Flanders, Rice, Anderson, Frechette, Irene Pratt, Drolet, Morse, Kilbride, Terninko, Tate, Dowling, Keith and Nelson, the day, illness.

Reps. Donald Messier, Bickford, Schmidchen, Drake, A. Gibb Dodge, Jr., Skinner, David Flanders, Daniel Healy, Stamatakis, Haynes and DePecol, the day, important business.

Rep. Ruth Gage, the day, death in the family.

Reps. O'Rourke, Doucette, Appleby and Clemons, the day, illness in the family.

### INTRODUCTION OF GUESTS

Linda Thayer, wife of Rep. Thayer. Mary Jenkins and Christopher Messier, guests of Rep. Irene Messier. Patty and Terry Hines, guests of Speaker Burns. Alma West, guest of Rep. Shackett. Alice Terrill Knight, guest of Rep. McNerney. Sheila Ferlan, Gloria Elwell, Dorothy Saenz, Lois Less and Cecile Hansberry, wife and guests of Rep. Ferlan.

### HOUSE RESOLUTION NO. 56

memorializing State Representative Francis D. Jelley of Concord

WHEREAS, it is with great sorrow that we have learned of the death of our esteemed colleague, Francis D. Jelley, who was in the midst of his second term as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, Francis D. Jelley, known affectionately to all as Frank, did serve, faithfully and with integrity, his constituents of District 17 of Merrimack County, and

WHEREAS, during his first term in the biennium of 1985-86, Francis D. Jelley did sit diligently on the Standing Committee on State Institutions and Housing, and upon being re-elected for the 1991-92 biennium he again was named as a distinguished member of that committee, and

WHEREAS, having been born in Lowell, Massachusetts, Francis D. Jelley settled in as a New Hampshire resident and spent most of his life here, having resided in Keene and Concord, and

WHEREAS, during World War II, Francis D. Jelley did serve his country with honor as a member of the United States Army, and later became an active member of the American Legion, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Francis D. Jelley, be granted highest praise and recognition for his years of outstanding and loyal service to his country, and for his dedicated legislative service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.  
Adopted by a rising vote of silence.

### **COMMITTEE ASSIGNMENT**

Rep. Mohr was assigned to the Committee on Fish and Game.

### **SPECIAL ORDERS ETHICS GUIDELINES**

Pursuant to RSA 14-B:3 II, the House and Senate may repeal specific guidelines and/or opinions proposed by the Ethics Committee. Unless vetoed by both bodies, such guidelines and/or opinions become effective three legislative days after their distribution.

### **GUIDELINES PROPOSED BY THE LEGISLATIVE ETHICS COMMITTEE ETHICS: GENERAL OUTLINE**

- I) Principles of Public Service
- II) Definitions
- III) Financial Disclosure Form
- IV) Prohibited Activities
- V) Conflict of Interest Procedure

#### **I PRINCIPLES OF PUBLIC SERVICE**

##### **1) PUBLIC OFFICE AS A PUBLIC TRUST**

Legislators should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

##### **2) PRINCIPLE OF INDEPENDENT OBJECTIVE JUDGMENT**

Legislators should employ independent objective judgment in performing their duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.

##### **3) PRINCIPLE OF ACCOUNTABILITY**

Legislators should assure that government is conducted openly, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold government officials accountable.

#### **II DEFINITIONS**

1) Conflict of Interest is the condition in which a legislator has a financial interest in any official activity.

2) Immediate Family includes a spouse, guardian, parent, sibling, child or dependent.

3) Financial Interest is a reasonably foreseeable material financial effect, distinguished from its effect on the public generally, on the legislator or the legislator's immediate family.

4) Legislation is a bill, resolution or constitutional amendment.

5) Official Activities is the conduct of activities which relates to official responsibilities including the introduction of legislation, testifying before any legislative committee or state agency, voting in committee or in house or senate session or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.

6) Anything of Value includes but is not limited to the following:

- a) A pecuniary item, including money, or a bank bill or note.

b) A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money.

c) A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money.

d) A stock, bond, note, or other investment interest in an entity.

e) A receipt given for the payment of money or other property.

f) A cause of action.

g) A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel.

h) A loan or forgiveness of indebtedness.

i) A work of art, antique, or collectible.

j) An automobile or other means of personal transportation.

k) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty.

l) A promise of employment or continued employment.

m) A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a public official or public employee, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public.

### III LEGISLATOR'S FINANCIAL DISCLOSURE FORM

Every representative and senator elect, and officer of the House and Senate, shall file with the Secretary of State the following financial disclosure form on or before January 15 of each year for the preceding calendar year.

1. Identify the name, address, and type of any professional, business, or other organization (including any unit of government) in which the undersigned is or was an officer, director, associate, partner, proprietor, or employee, or served in any advisory capacity, and from which any income (including retirement benefits) in excess of \$10,000 was derived during the preceding calendar year.

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The foregoing information is true to the best of the knowledge and belief of the undersigned.

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(Signature of Legislator)

(attach additional sheets if necessary)

### IV PROHIBITED ACTIVITIES

1) Legislators shall not solicit, accept, or agree to accept anything of value from another for themselves or other persons, if the legislator receives such thing of value:

a) Knowing or believing the other's purpose to be the influencing of an action, decision, opinion, recommendation, or other official activity.

b) Knowing or believing that the giver is or is likely to become subject to or interested in any matter or action pending before or contemplated by the giver or another member of the legislature.

c) In return for advice or other assistance relating to a legislator's official activities.

d) In return for introducing legislation, testifying before any legislative committee or state agency, voting in committee or in House or Senate session, or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation or any state agency.

e) In return for an endorsement, nomination, appointment, approval or disapproval of any person for a position as, or advancement of a public servant.

f) In return for having given a decision, opinion, recommendation, nomination, vote, or other official activity.

2) In dealing with state agencies, legislators shall not:

a) Provide information about a state agency which the legislator has obtained confidentially in the course of his official activities.

b) Reveal information about state agency operations or decisions which the legislator would not reveal to any member of the general public requesting such information.

c) Threaten a state agency or its employees with reprisals or promised inducements of any kind to influence agency decisions so as to obtain special personal benefits for the legislator, the legislator's immediate family, or for certain constituents which would not be available to others under similar conditions.

d) Conduct private negotiations with a state agency in an attempt to obtain a decision on a pending matter which would result in special personal benefit to the legislator, to the legislator's immediate family, or to certain constituents which would not be available to others under similar conditions.

3) Legislators shall not use their public position or office to obtain anything of value for the private benefit of the legislator or the legislator's immediate family.

4) Legislators shall not use state-provided services or facilities for private gain.

5) Legislators shall not become involved in any official activity without complying with the conflict of interest procedure set forth in this document.

6) Nothing in this section on prohibited activities should be construed to prohibit the following:

a) The giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign.

b) Assistance to constituents in their dealings with state agencies.

c) Advocacy of a particular outcome on matters pending before a state agency when the legislator believes such a decision would benefit the general public or the legislator's constituents generally.

d) Submission by a legislator of recommendations or references on behalf of a candidate for state employment when the legislator believes the candidate is qualified to be a suitable public employee.

e) Acceptance of awards, prizes or other honors of a minimal value.

f) Acceptance of anything of value the receipt of which would otherwise be a violation of this section where the value is less than \$250.00 in aggregate from any single source during any calendar year.

#### V CONFLICT OF INTEREST PROCEDURE

1) When a legislator becomes aware that a conflict of interest exists or may exist, the legislator shall proceed in accordance with either paragraph a or b:

a) Declare that a conflict of interest exists and state that the legislator will not participate in any official activity associated with the issue as long as the conflict exists.



b) Declare that a conflict of interest exists or may exist and that the legislator intends to participate in the official activity and will provide a description of the conflict of interest including:

\* names of all entities, both public and private, which might be affected.

\* the nature of any benefit which may accrue to the legislator.

\* the nature of any financial interest in the issue.

\* the nature of any relationship which existed, exists or may exist between the legislator and any person or entity which might be affected.

\* such additional information as may be required to permit clear public awareness and understanding of the nature and extent of the conflict.

2) The declaration required in paragraphs a and b of this procedure shall be publicly announced prior to the legislator's initial participation in the official activity. The information required in paragraph b shall be filed with the clerk of the member's respective body within twenty-four hours of the time of the official activity and be made available for public inspection during normal business hours.

Rep. Gross moved that Section III, 2. (identification of business interest) be repealed, spoke to her motion and yielded to questions.

Rep. Trombly spoke in favor.

Adopted.

Rep. Markley moved that Sections I, II, III, IV and V (the entire guidelines) be deleted and spoke to his motion.

Reps. Trombly, William McCann and Gross spoke against and yielded to questions.

Rep. Parr spoke in favor.

Roll call request sufficiently seconded.

The question being the deletion of the guidelines.

#### YEAS 107

#### NAYS 229

#### YEAS 107

#### BELKNAP

Accornero, Harry  
Johnson, Carl R.

Dewhirst, Glenn E.  
Shibley, Arnold P.

Holbrook, Robert G.  
Ziegra, Alice S.

#### CARROLL

Chandler, Gene G.  
Wiggin, Gordon E.

Dickinson, Howard C.

Wiggin, Allen R.

#### CHESHIRE

Cole, Kenneth A.  
Laurent, John J.

Crutchley, Donald O.  
Sawyer, Alfred P.

Kennison, Wayne A.  
Young, David A.

#### COOS

Brungot, Catherine V.  
Merrill, Gerald P.

Coulombe, Henry W.  
Pratt, Leighton C.

Guay, Lawrence J.  
Therault, Romeo J.

#### GRAFTON

Hill, Richard L.  
Markley, J. Keith  
Trelfa, Richard T.

LaMott, Paul I.  
Shackett, Ralph E.

Lougee, Richard W.  
Stewart, Roger D.

#### HILLSBOROUGH

Alukonis, David J.  
Calawa, Leon, Jr.  
Cook, Valerie S.

Andrews, Frederick B.  
Carpenter, Karen A.  
Crotty, Edward J.

Bourque, Ann J.  
Chasse, Richard D.  
Daniels, Gary L.

Dodge, Emma M.  
 Drabinowicz, A. Theresa  
 Greenglass, Alan B.  
 Kelley, Dana F.  
 Lachut, Ervin R.  
 Lefebvre, Roland J.  
 Ouellette, Robert O.  
 Rothhaus, Finlay C.  
 Upton, Barbara A.  
 Wright, George W.

Domaingue, Jacquelyn M.  
 Fenton, James J.  
 Jasper, Shawn N.  
 Kurk, Neal M.  
 Lawrence, Eva M.  
 McNerney, Daniel P.  
 Riley, Frances L.  
 Stiles, Walter A.  
 Vanderlosk, Stanley R.

Donovan, Francis X.  
 Fields, Dennis H.  
 Johnson, Lionel W.  
 L'Heureux, Robert J.  
 Lawrence, Norman B.  
 McRae, Karen K.  
 Rodgers, G. Philip  
 Turgeon, Roland M.  
 Wheeler, David K.

### MERRIMACK

Apple, Lowell D.  
 Christie, Thomas J.  
 Smith, Gerald R.

Boucher, Laurent J.  
 Fair, Patricia A.  
 Whittemore, James A.

Chandler, Earle W.  
 Nichols, Avis B.

### ROCKINGHAM

Barnes, John S., Jr.  
 Ford, Bert H.  
 Katsakiores, George N.  
 Packard, Sherman A.  
 Raynowska, Bernard J.  
 Rubin, George R.  
 Sytek, John J.  
 Welch, David A.

Campbell, Marilyn R.  
 Gage, Beverly A.  
 Magoon, Harold F.  
 Palazzo, Frank J.  
 Rosencrantz, James R.  
 Seward, Russell G.  
 Thayer, Leroy C.

Falwell, Robert V.  
 Hoelzel, Kathleen M.  
 Melnick, Roy E.  
 Parr, Ednapearl F.  
 Roulston, Donald L.  
 Smith, Arthur W.  
 Warburton, Calvin

### STRAFFORD

Douglass, Clyde J.  
 Kinney, Paula J.  
 Torr, Ralph W.

Foss, Patricia H.  
 Marston, Robert E.  
 Tsiros, William

Kincaid, William K.  
 Nehring, William H.

### SULLIVAN

Domini, Irene C.

Lindblade, Eric N.

Middleton, John A.

### NAYS 229

### BELKNAP

Bartlett, Gordon E.  
 Golden, Paul A.  
 Rosen, Ralph J.  
 Vogler, Charles C.

Cain, Thomas G.  
 Joscelyn, William W.  
 Salatiello, Thomas B.  
 Zaharchuk, Peter J., Jr.

Campbell, Richard H., Jr.  
 Maviglio, Steven R.  
 Turner, Robert H.

### CARROLL

Allard, Nanci A.  
 Daly, Robert J., Jr.  
 Saunders, Howard N.

Beach, Mildred A.  
 Foster, Robert W.

Bradley, Jeb E.  
 Jean, Robert R.

### CHESHIRE

Burnham, Daniel M.  
 Cole, Stacey W.  
 Grodin, Richard A.  
 Kingsbury, H. Thayer  
 Metzger, Katherine H.  
 Perry, David M.

Champagne, Richard L.  
 Feuer, Joseph N.  
 Hogan, James B.  
 LaMar, David M.  
 Mohr, Frederick C., Jr.

Clark, Eugene W.  
 Foster, Katherine D.  
 Hunt, John B.  
 Lynch, Margaret A.  
 Pearson, Gertrude B.

**COOS**

Buckley, C. Fitzgerald  
Marsh, Beaton

Hawkinson, Marie C.  
Mayhew, Josephine

Horton, Lynn C.  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
McIlwaine, Deborah P.  
Scanlan, David M.  
Ward, Kathleen W.

Arnesen, Deborah L.  
Brown, Patricia B.  
Guest, Robert H.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
White, Paul R.

Bean, Pamela B.  
Christy, C. Dana  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ackerman, Philip M.  
Arnold, Barbara E.  
Baldizar, Barbara J.  
Buckley, Raymond  
Daigle, Robert A.  
Emerton, Lawrence A.  
Ford, Nancy M.  
Goulet, Maurice E.  
Hall, Betty B.  
Holden, Carol H.  
Jean, Romeo W.  
King, Frank P.  
Lown, Elizabeth D.  
Mason, Howard F.  
Mercer, Robert S.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Pignatelli, Debora B.  
Rheault, Lillian I.  
Searles, Stanley N., Sr.  
Tarpley-Bamberger, Nancy L.

Ahrens, Frederick G.  
Asselin, Robert P.  
Baroody, Benjamin C.  
Cote, David E.  
Desrosiers, William J.  
Ferguson, Charles  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Hultgren, David D.  
Keane, Cornelius J.  
Larochelle, Roger B.  
Lozeau, Donnalee M.  
McCann, Bonnie Lou  
Messier, Irene M.  
Nardi, Theodora P.  
Pepino, Leo P.  
Record, Alice B.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
White, John M.

Amidon, Eleanor H.  
Baker, George H., Sr.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Janas, Gregory  
Kelley, Robert N.  
Laughlin, J. Francis  
Martin, Mary Ellen  
McDowell, James E.  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Peters, Stanley W.  
Reidy, Frank J.  
Sallada, Roland A.  
Soucy, Donna M.

**MERRIMACK**

Barberia, Richard A.  
Chandler, John P.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, C. William  
Letourneau, George E.  
Millard, Elizabeth S.  
Stapleton, Henry F.  
Trombly, Rick A.  
Yeaton, Charles B.

Braiterman, Thea  
Daneault, Gabriel J.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Molner, Mary E.  
Stio, Peter M.  
Wallner, Mary Jane

Carter, Susan D.  
Dunn, Miriam D.  
Gross, Caroline L.  
Hayes, Robert C.  
Jacobson, Alf E.  
Kidder, William F.  
Lockwood, Robert A.  
Soldati, Jennifer G.  
Teague, Bert  
Weeks, John F., Jr.

**ROCKINGHAM**

Bell, Juanita L.  
Brown, Jeffrey M.  
Christie, Andrew, Jr.

Benton, Richardson D.  
Bucu, Stephen W.  
Chulack, Peter G., Sr.

Boucher, William P.  
Caswell, Albert, Jr.  
Clark, Martha Fuller

Coffey, John J.  
 Cote, Patricia L.  
 Dube, LeRoy S.  
 Flanders, John W., Sr.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Schanda, Joseph, Sr.  
 Syracuse, Anthony  
 Vaughn, Charles L.  
 Woods, Deborah L.

Connell, David R.  
 DiPietro, Carmela M.  
 Felch, Charles H., Sr.  
 Greene, Elizabeth A.  
 Hurst, Sharleene P.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 McKinney, Betsy  
 Senter, Marilyn P.  
 Sytek, Donna P.  
 Wells, Henry E.

Conroy, Janet M.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Griebesch, Linda  
 Hynes, Carolyn E.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 McCarthy, John J., Jr.  
 Pantelakos, Laura C.  
 Simon, Peter M.  
 Tufts, Arthur  
 Weyler, Kenneth L.

### STRAFFORD

Brown, Julie M.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 McCann, William H., Jr.  
 O'Brien, John  
 Spencer, Leo J.  
 Vincent, Francis C.  
 Young, John B.

Corte, Arthur B.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Sullivan, Henry P.  
 Wall, Janet G.

Flynn, Edward J.  
 Hashem, Elaine M.  
 Martling, W. Kent  
 Musler, George T.  
 Pelley, Janet R.  
 Torr, Ann M.  
 Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
 Flint, Gordon B.  
 Porter, Robert H.  
 Tetu, Michael A.

Behrens, Thomas A.  
 Harland, Jane A.  
 Rodeschin, Beverly T.  
 Walsh, Robert R.

Burling, Peter Hoe  
 Krueger, Richard H.  
 Schotanus, Merle W.

and the motion failed.

**CACR 6**, relating to taxation of business income and revenue. Providing that taxes of any type may be imposed on the income or revenue of businesses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick G. Ahrens for the Majority of Ways and Means: As amended, CACR 6 would expand the Legislature's flexibility in attempting to solve the continuing problem of fair business taxation. Under current constitutional interpretations by the New Hampshire Supreme Court, Legislative authority has been severely limited. As a result, because of loopholes originally designed to satisfy earlier court rulings, very few businesses pay the Business Profits Tax, and Legislative efforts to solve the problem without increasing the burden on current business taxpayers have been rejected by the Court.

As originally proposed, CACR 6 would have allowed the Legislature to enact taxes on the income or revenue of businesses, without requiring that such taxes be "proportional." Among other things, this would have allowed enactment of graduated business taxes. The Committee did not believe it was necessary or desirable to propose such a radical change to the voters. Instead, under the Committee's proposed amendment, the Legislature would generally be authorized to limit the amounts businesses can deduct for tax purposes, as long as the limitations apply to all forms of business



organizations and do not depend on the amount of money business takes in. The amended version would not authorize graduated taxation.

The Committee also rejected the Minority proposal because the Minority proposal focused only on allowing taxation of payments made by business to its owners, and required very detailed language inappropriate for insertion in our State Constitution. Enacting fairer business taxation requires more legislative flexibility than the Minority proposal would allow, and the Minority's professed fear of special interest legislation appeared to be overstated and not well founded. Vote 14-4.

Rep. Jennifer G. Soldati for the Minority of Ways and Means: Two versions of CACR 6 were voted on by the full Committee. Both versions permit the state to broaden the Business Profits Tax to include partnerships, professional associations and other enterprises whose business form allows them to escape payment under the current Business Profits Tax. Bipartisan support for a more restrictive amendment was defeated by 6-12.

The Minority believes that the full House should give careful consideration to the business tax policy that would be created if CACR 6, in the version supported by the Majority, is passed. The Majority version is a much broader grant of authority to tax than is necessary to carry out the agreed upon goal of reforming the BPT. Under the Minority version the concerns of businesses such as Cabletron for tax fairness are addressed. Additionally, the needs of the state to increase revenues are met without undercutting the tradition of limited taxation that has been part of New Hampshire for nearly two centuries.

The Majority version of CACR 6, if enacted, would leave the door wide open for the efforts of lobbyists and special interest groups to promote special laws that would give special consideration to their pet projects and undermine the stated intent of fair taxation for all businesses.

Some examples of the types of legislation that could be enacted under the version offered by the Majority that would not be permitted under the Minority's narrow version include: laws that permit changes in deductions based upon the size of a business; laws that permit changes in deductions based upon the nature of the business; laws that permit changes in deductions based upon the form of ownership (common or preferred stock, limited partnership or general partnership); and laws that permit changes in deductions based upon the nature of distribution (salaries, royalties, stock option, fringe benefits).

Adoption of the version of CACR 6 offered by the Minority will ensure that the BPT will be reformed and the state's tradition of limited taxation will be preserved.

3909L

#### **Amendment (Majority)**

Amend article 5-c of part second of the constitution as inserted by paragraph I of the resolution by replacing it with the following:

[Art.] 5-c [Power to Tax Business Income and Revenues.] Notwithstanding any other provision of this constitution, in levying a tax on revenues, income, or profits of business organizations, the general court may impose, without restriction, limits on amounts that may be excluded from taxation, provided that such limits shall be made applicable to all forms of business organizations, and the applicability thereof shall not vary because of the amount of revenues, income, or profits of the taxpayer.

Amend the resolution by replacing paragraphs III, IV, and V with the following:

III. That the selectmen of all towns, cities, wards, and places in the state are directed to insert in their warrants for the said 1992 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1992 session of the general court shall be approved.

IV. That the wording of the question put to qualified voters shall be:

Are you in favor of amending the constitution to allow the general court to levy a tax on the revenues, income or profits of business organizations, without restriction, provided that all allowable exclusions from such a tax are applicable to all forms of business organizations and the applicability of such exclusions shall not vary because of the amount of revenues, income or profits of the taxpayer?

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1992 General Court" shall be printed in bold type at the top of the ballot.

#### AMENDED ANALYSIS

This constitutional amendment-concurrent resolution allows the general court to levy a tax on revenues, income, or profits of business organizations without restriction, provided that any exclusions from taxation are applicable to all forms of business organizations and shall not vary because of the amount of revenue, income, or profits of the taxpayer.

Rep. Arnesen moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Reps. Hayes and Chambers spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

#### YEAS 107

#### NAYS 229

#### YEAS 107

#### BELKNAP

Campbell, Richard H., Jr. Dewhirst, Glenn E.  
Shibley, Arnold P.

Maviglio, Steven R.

#### CARROLL

Bradley, Jeb E.

Wiggin, Gordon E.

#### CHESHIRE

Burnham, Daniel M.  
Foster, Katherine D.  
Perry, David M.

Clark, Eugene W.  
Kingsbury, H. Thayer

Cole, Kenneth A.  
LaMar, David M.

#### COOS

Buckley, C. Fitzgerald

Merrill, Gerald P.

Theriault, Romeo J.

#### GRAFTON

Arnesen, Deborah L.  
Markley, J. Keith  
Trelfa, Richard T.

Copenhaver, Marion L.  
McIlwaine, Deborah P.

Guest, Robert H.  
Nordgren, Sharon L.

**HILLSBOROUGH**

Ackerman, Philip M.  
Carpenter, Karen A.  
Dyer, Merton S.  
Hanselman, Gregory L.  
King, Frank P.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
Mercer, Robert S.  
Ouellette, Robert O.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
White, John M.

Bourque, Ann J.  
Daniels, Gary L.  
Fields, Dennis H.  
Hultgren, David D.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Martin, Mary Ellen  
Messier, Irene M.  
Paquette, Rodolphe G.  
Rheault, Lillian I.  
Smith, Leonard A.  
Wright, George W.

Buckley, Raymond  
Drabinowicz, A. Theresa  
Hall, Betty B.  
Janas, Gregory  
Larochelle, Roger B.  
Lefebvre, Roland J.  
McRae, Karen K.  
Moore, Elizabeth A.  
Peters, Stanley W.  
Riley, Frances L.  
Wheeler, David K.

**MERRIMACK**

Braiterman, Thea  
Gilbreth, Robert M.  
Smith, Gerald R.  
Yeaton, Charles B.

Christie, Thomas J.  
Jacobson, Alf E.  
Teague, Bert

Dunn, Miriam D.  
Molner, Mary E.  
Weeks, John F., Jr.

**ROCKINGHAM**

Bell, Juanita L.  
Clark, Martha Fuller  
Conroy, Janet M.  
Flanagan, Natalie S.  
Hurst, Sharleene P.  
Melnick, Roy E.  
Raynowska, Bernard J.  
Smith, Arthur W.  
Woods, Deborah L.

Brown, Jeffrey M.  
Coffey, John J.  
Dowd, Sandra K.  
Ford, Bert H.  
Kane, Cecelia D.  
Packard, Sherman A.  
Rosencrantz, James R.  
Warburton, Calvin

Caswell, Albert, Jr.  
Connell, David R.  
Falwell, Robert V.  
Griebsch, Linda  
McGovern, Cynthia A.  
Palazzo, Frank J.  
Roulston, Donald L.  
Welch, David A.

**STRAFFORD**

Gilmore, Gary R.  
Jankowski, Peter M.  
O'Brien, John  
Wheeler, Katherine W.

Hambrick, Patricia A.  
Kincaid, William K.  
Pageotte, Donald P.

Hashem, Elaine M.  
Merrill, Amanda A.  
Spencer, Leo J.

**SULLIVAN**

Allison, David C.  
Walsh, Robert R.

Harland, Jane A.

Tetu, Michael A.

**NAYS 229****BELKNAP**

Accornero, Harry  
Golden, Paul A.  
Johnson, Carl R.  
Salatiello, Thomas B.  
Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
Hawkins, Robert S.  
Joscelyn, William W.  
Turner, Robert H.  
Ziegra, Alice S.

Cain, Thomas G.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Daly, Robert J., Jr.  
Jean, Robert R.

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Allen R.

**CHESHIRE**

Champagne, Richard L.  
Feuer, Joseph N.  
Hunt, John B.  
Lynch, Margaret A.  
Pearson, Gertrude B.

Cole, Stacey W.  
Grodin, Richard A.  
Kennison, Wayne A.  
Metzger, Katherine H.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Mohr, Frederick C., Jr.  
Young, David A.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Mayhew, Josephine

Coulombe, Henry W.  
Horton, Lynn C.  
Oliver, Terry D.

Guay, Lawrence J.  
Marsh, Beaton  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Teschner, Douglass P.

Bean, Pamela B.  
Chambers, Mary P.  
Hill, Richard L.  
Lougee, Richard W.  
Shackett, Ralph E.  
Ward, Kathleen W.

Brown, Channing T.  
Christy, C. Dana  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Baker, George H., Sr.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Crotty, Edward J.  
Dodge, Emma M.  
Dwyer, Patricia R.  
Ferguson, Charles  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Healy, Walter F.  
Jean, Romeo W.  
Kelley, Dana F.  
Lachut, Ervin R.  
Mason, Howard F.  
McNerney, Daniel P.  
Packard, Bonnie B.  
Record, Alice B.  
Sallada, Roland A.  
Stiles, Walter A.  
Upton, Barbara A.

Alukonis, David J.  
Arnold, Barbara E.  
Baldizar, Barbara J.  
Calawa, Leon, Jr.  
Cote, David E.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Johnson, Lionel W.  
Kelley, Robert N.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Murphy, Robert E.  
Pepino, Leo P.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.

Amidon, Eleanor H.  
Asselin, Robert P.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Donovan, Francis X.  
Fenton, James J.  
Ford, Nancy M.  
Goulet, Maurice E.  
Haettenschwiller, Alphonse  
Jasper, Shawn N.  
Keane, Cornelius J.  
Kurk, Neal M.  
Lown, Elizabeth D.  
McDowell, James E.  
Nardi, Theodora P.  
Pignatelli, Debora B.  
Rodgers, G. Philip  
Soucy, Donna M.  
Turgeon, Roland M.

**MERRIMACK**

Apple, Lowell D.  
Carter, Susan D.  
Daneault, Gabriel J.  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, C. William

Barberia, Richard A.  
Chandler, Earle W.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, Joyce M.

Boucher, Laurent J.  
Chandler, John P.  
Fillion, Paul R.  
Hall, Douglas E.  
Holmes, Mary C.  
Letourneau, George E.



Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.

Lockwood, Robert A.  
Soldati, Jennifer G.  
Trombly, Rick A.

Millard, Elizabeth S.  
Stapleton, Henry F.  
Wallner, Mary Jane

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Cote, Patricia L.  
Felch, Charles H., Sr.  
Hoar, John, Jr.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Parr, Ednapearl F.  
Senter, Marilyn P.  
Syracusa, Anthony  
Thayer, Leroy C.  
Wells, Henry E.

Benton, Richardson D.  
Christie, Andrew, Jr.  
DiPietro, Carmela M.  
Flanders, John W., Sr.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Rubin, George R.  
Seward, Russell G.  
Sytek, Donna P.  
Tufts, Arthur  
Weyler, Kenneth L.

Boucher, William P.  
Chulack, Peter G., Sr.  
Dube, LeRoy S.  
Gage, Beverly A.  
Hynes, Carolyn E.  
Katsakiores, Phyllis  
Lovejoy, Virginia K.  
McCain, William F.  
Pantelakos, Laura C.  
Schanda, Joseph, Sr.  
Simon, Peter M.  
Sytek, John J.  
Vaughn, Charles L.

### STRAFFORD

Brown, Julie M.  
Flynn, Edward J.  
Kinney, Paula J.  
McCann, William H., Jr.  
Pelley, Janet R.  
Torr, Ralph W.  
Wall, Janet G.

Corte, Arthur B.  
Foss, Patricia H.  
Marston, Robert E.  
Musler, George T.  
Sullivan, Henry P.  
Tsiros, William  
Young, John B.

Douglass, Clyde J.  
Keans, Sandra B.  
Martling, W. Kent  
Nehring, William H.  
Torr, Ann M.  
Vincent, Francis C.

### SULLIVAN

Behrens, Thomas A.  
Flint, Gordon B.  
Middleton, John A.  
Rodeschin, Beverly T.

Burling, Peter Hoe  
Krueger, Richard H.  
Peyron, Fredrik  
Schotanus, Merle W.

Domini, Irene C.  
Lindblade, Eric N.  
Porter, Robert H.

and the motion failed.

Rep. Wadsworth notified the Clerk that she wished to be recorded in opposition to the motion.

Rep. Soldati moved that the report of the Minority be substituted for the report of the Majority and spoke to her motion.

Rep. Burling spoke in favor.

Rep. Donna Sytek spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the Minority report.

**YEAS 99**

**NAYS 236**

### YEAS 99 BELKNAP

Golden, Paul A.  
Maviglio, Steven R.

Johnson, Carl R.  
Salatiello, Thomas B.

Joscelyn, William W.  
Shibley, Arnold P.

### CARROLL

Bradley, Jeb E.

Wiggin, Gordon E.

**CHESHIRE**

Clark, Eugene W.  
Kingsbury, H. Thayer

Foster, Katherine D.  
Lynch, Margaret A.

Kennison, Wayne A.  
Perry, David M.

**COOS**

Hawkinson, Marie C.

Mayhew, Josephine

Oliver, Terry D.

**GRAFTON**

Chambers, Mary P.  
Markley, J. Keith  
Shackett, Ralph E.

Copenhaver, Marion L.  
McIlwaine, Deborah P.

Guest, Robert H.  
Nordgren, Sharon L.

**HILLSBOROUGH**

Asselin, Robert P.  
Baroody, Benjamin C.  
Buckley, Raymond  
Crotty, Edward J.  
Gosselin, Gerald O.  
Hultgren, David D.  
Lachut, Ervin R.  
McRae, Karen K.  
Paquette, Rodolphe G.  
Searles, Stanley N., Sr.  
White, John M.

Baker, George H., Sr.  
Bourque, Ann J.  
Chasse, Richard D.  
Daigle, Robert A.  
Haettenschwiller, Alphonse  
Jasper, Shawn N.  
Lefebvre, Roland J.  
Murphy, Robert E.  
Pignatelli, Debora B.  
Soucy, Donna M.

Baldizar, Barbara J.  
Bowers, Dorothy C.  
Cote, David E.  
Dwyer, Patricia R.  
Hall, Betty B.  
Johnson, Lionel W.  
McDowell, James E.  
Nardi, Theodora P.  
Reidy, Frank J.  
Turgeon, Roland M.

**MERRIMACK**

Daneault, Gabriel J.  
Gilbreth, Robert M.  
Letourneau, George E.  
Trombly, Rick A.  
Yeaton, Charles B.

Dunn, Miriam D.  
Jacobson, Alf E.  
Molner, Mary E.  
Wallner, Mary Jane

Fair, Patricia A.  
Johnson, Joyce M.  
Soldati, Jennifer G.  
Whittemore, James A.

**ROCKINGHAM**

Bell, Juanita L.  
Dube, LeRoy S.  
McGovern, Cynthia A.  
Pantelakos, Laura C.

Clark, Martha Fuller  
Griebisch, Linda  
Packard, Sherman A.  
Syracusa, Anthony

Connell, David R.  
Hoar, John, Jr.  
Palazzo, Frank J.  
Weyler, Kenneth L.

**STRAFFORD**

Gilmore, Gary R.  
Kincaid, William K.  
Merrill, Amanda A.  
Pelley, Janet R.  
Vincent, Francis C.

Hashem, Elaine M.  
Marston, Robert E.  
O'Brien, John  
Spencer, Leo J.  
Wall, Janet G.

Keans, Sandra B.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Sullivan, Henry P.

**SULLIVAN**

Burling, Peter Hoe  
Tetu, Michael A.

Harland, Jane A.  
Walsh, Robert R.

Lindblade, Eric N.

**NAYS 236****BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Rosen, Ralph J.

Cain, Thomas G.  
Hawkins, Robert S.  
Turner, Robert H.

Vogler, Charles C.

Zaharchuk, Peter J., Jr.

Ziegra, Alice S.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Jean, Robert R.

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Allen R.

### CHESHIRE

Burnham, Daniel M.  
Cole, Stacey W.  
Grodin, Richard A.  
LaMar, David M.  
Mohr, Frederick C., Jr.  
Young, David A.

Champagne, Richard L.  
Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Pearson, Gertrude B.

Cole, Kenneth A.  
Feuer, Joseph N.  
Hunt, John B.  
Metzger, Katherine H.  
Sawyer, Alfred P.

### COOS

Brungot, Catherine V.  
Guay, Lawrence J.  
Merrill, Gerald P.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Pratt, Leighton C.

Coulombe, Henry W.  
Marsh, Beaton  
Therault, Romeo J.

### GRAFTON

Adams, Carl S.  
Brown, Channing T.  
Driscoll, William J.  
Lougee, Richard W.  
Stewart, Roger D.  
Wadsworth, Karen O.

Arnesen, Deborah L.  
Brown, Patricia B.  
Hill, Richard L.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Christy, C. Dana  
Larson, Nils H., Jr.  
Scanlan, David M.  
Trelfa, Richard T.  
White, Paul R.

### HILLSBOROUGH

Ackerman, Philip M.  
Amidon, Eleanor H.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Fenton, James J.  
Fields, Dennis H.  
Goulet, Maurice E.  
Hanselman, Gregory L.  
Janas, Gregory  
Kelley, Robert N.  
L'Heureux, Robert J.  
Lawrence, Eva M.  
Lozeau, Donnalee M.  
McCann, Bonnie Lou  
Messier, Irene M.  
Pepino, Leo P.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Smith, Leonard A.  
Upton, Barbara A.  
Wright, George W.

Ahrens, Frederick G.  
Andrews, Frederick B.  
Carpenter, Karen A.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Dyer, Merton S.  
Ferguson, Charles  
Ford, Nancy M.  
Greenglass, Alan B.  
Healy, Walter F.  
Jean, Romeo W.  
King, Frank P.  
Laroche, Roger B.  
Lawrence, Norman B.  
Martin, Mary Ellen  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Peters, Stanley W.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Stiles, Walter A.  
Vanderlosk, Stanley R.

Alukonis, David J.  
Arnold, Barbara E.  
Cook, Valerie S.  
Desrosiers, William J.  
Donovan, Francis X.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Kelley, Dana F.  
Kurk, Neal M.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
Mason, Howard F.  
Mercer, Robert S.  
Packard, Bonnie B.  
Record, Alice B.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Tarpley-Bamberger, Nancy L.  
Wheeler, David K.

**MERRIMACK**

Apple, Lowell D.  
 Braiterman, Thea  
 Chandler, John P.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Millard, Elizabeth S.  
 Stapleton, Henry F.  
 Weeks, John F., Jr.

Barberia, Richard A.  
 Carter, Susan D.  
 Christie, Thomas J.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Stio, Peter M.

Boucher, Laurent J.  
 Chandler, Earle W.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Teague, Bert

**ROCKINGHAM**

Barnes, John S., Jr.  
 Buco, Stephen W.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Rubin, George R.  
 Seward, Russell G.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Welch, David A.

Benton, Richardson D.  
 Campbell, Marilyn R.  
 Chulack, Peter G., Sr.  
 Cote, Patricia L.  
 Falwell, Robert V.  
 Flanders, John W., Sr.  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Melnick, Roy E.  
 Rosencrantz, James R.  
 Schanda, Joseph, Sr.  
 Simon, Peter M.  
 Sytek, John J.  
 Vaughn, Charles L.  
 Wells, Henry E.

Boucher, William P.  
 Caswell, Albert, Jr.  
 Coffey, John J.  
 DiPietro, Carmela M.  
 Felch, Charles H., Sr.  
 Ford, Bert H.  
 Hurst, Sharleene P.  
 Kane, Cecelia D.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Parr, Ednapearl F.  
 Roulston, Donald L.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Warburton, Calvin  
 Woods, Deborah L.

**STRAFFORD**

Brown, Julie M.  
 Flynn, Edward J.  
 Jankowski, Peter M.  
 Musler, George T.  
 Torr, Ralph W.  
 Young, John B.

Corte, Arthur B.  
 Foss, Patricia H.  
 Kinney, Paula J.  
 Nehring, William H.  
 Tsiros, William

Douglass, Clyde J.  
 Hambrick, Patricia A.  
 Martling, W. Kent  
 Torr, Ann M.  
 Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
 Flint, Gordon B.  
 Peyron, Fredrik  
 Schotanus, Merle W.  
 and the motion failed.

Behrens, Thomas A.  
 Krueger, Richard H.  
 Porter, Robert H.

Domini, Irene C.  
 Middleton, John A.  
 Rodeschin, Beverly T.

Rep. Ahrens spoke in favor of the Majority amendment.

Roll call request sufficiently seconded.

The question being the adoption of the Majority amendment.



**YEAS 219****NAYS 112****YEAS 219  
BELKNAP**

Accornero, Harry  
Hawkins, Robert S.  
Rosen, Ralph J.  
Turner, Robert H.  
Ziegra, Alice S.

Bartlett, Gordon E.  
Holbrook, Robert G.  
Salatiello, Thomas B.  
Vogler, Charles C.

Cain, Thomas G.  
Joscelyn, William W.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

**CARROLL**

Allard, Nanci A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Beach, Mildred A.  
Dickinson, Howard C.  
Wiggin, Allen R.

Chandler, Gene G.  
Foster, Robert W.

**CHESHIRE**

Burnham, Daniel M.  
Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Mohr, Frederick C., Jr.  
Sawyer, Alfred P.

Champagne, Richard L.  
Feuer, Joseph N.  
Hunt, John B.  
Lynch, Margaret A.  
Pearson, Gertrude B.  
Young, David A.

Cole, Stacey W.  
Grodin, Richard A.  
Kennison, Wayne A.  
Metzger, Katherine H.  
Perry, David M.

**COOS**

Buckley, C. Fitzgerald  
Marsh, Beaton

Guay, Lawrence J.  
Merrill, Gerald P.

Horton, Lynn C.  
Therault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.  
Teschner, Douglass P.  
White, Paul R.

Bean, Pamela B.  
Christy, C. Dana  
LaMott, Paul I.  
Markley, J. Keith  
Shackett, Ralph E.  
Wadsworth, Karen O.

Brown, Channing T.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Chasse, Richard D.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Ferguson, Charles  
Ford, Nancy M.  
Goulet, Maurice E.  
Jasper, Shawn N.  
Kelley, Dana F.  
Lachut, Ervin R.  
Mason, Howard F.  
McNerney, Daniel P.  
Ouellette, Robert O.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Desrosiers, William J.  
Donovan, Francis X.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Jean, Romeo W.  
Kelley, Robert N.  
Larochelle, Roger B.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Pignatelli, Debora B.

Andrews, Frederick B.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Dyer, Merton S.  
Fenton, James J.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Holden, Carol H.  
Keane, Cornelius J.  
Kurk, Neal M.  
Lown, Elizabeth D.  
McDowell, James E.  
Murphy, Robert E.  
Record, Alice B.

Rheault, Lillian I.  
Sallada, Roland A.  
Tarpley-Bamberger, Nancy L.

Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Upton, Barbara A.

Rodgers, G. Philip  
Stiles, Walter A.  
Vanderlosk, Stanley R.

### MERRIMACK

Apple, Lowell D.  
Carter, Susan D.  
Daneault, Gabriel J.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.

Barberia, Richard A.  
Chandler, Earle W.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, C. William  
Lockwood, Robert A.  
Smith, Gerald R.  
Whittemore, James A.

Boucher, Laurent J.  
Chandler, John P.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Letourneau, George E.  
Millard, Elizabeth S.  
Stapleton, Henry F.

### ROCKINGHAM

Barnes, John S., Jr.  
Brown, Jeffrey M.  
Chulack, Peter G., Sr.  
DiPietro, Carmela M.  
Falwell, Robert V.  
Ford, Bert H.  
Hoelzel, Kathleen M.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Parr, Ednapearl F.  
Senter, Merilyn P.  
Sytek, Donna P.  
Tufts, Arthur  
Wells, Henry E.

Benton, Richardson D.  
Campbell, Marilyn R.  
Connell, David R.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Gage, Beverly A.  
Hurst, Sharleene P.  
Kane, Cecelia D.  
Klemm, Arthur P., Jr.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Rosencrantz, James R.  
Seward, Russell G.  
Sytek, John J.  
Vaughn, Charles L.

Boucher, William P.  
Christie, Andrew, Jr.  
Cote, Patricia L.  
Dube, LeRoy S.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Hynes, Carolyn E.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
McCain, William F.  
Palazzo, Frank J.  
Rubin, George R.  
Simon, Peter M.  
Thayer, Leroy C.  
Welch, David A.

### STRAFFORD

Brown, Julie M.  
Flynn, Edward J.  
Kincaid, William K.  
Martling, W. Kent  
Pageotte, Donald P.  
Torr, Ann M.  
Young, John B.

Corte, Arthur B.  
Foss, Patricia H.  
Kinney, Paula J.  
Musler, George T.  
Spencer, Leo J.  
Tsiros, William

Douglass, Clyde J.  
Keans, Sandra B.  
Marston, Robert E.  
Nehring, William H.  
Sullivan, Henry P.  
Vincent, Francis C.

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Peyron, Fredrik  
Schotanus, Merle W.

Domini, Irene C.  
Lindblade, Eric N.  
Porter, Robert H.  
Tetu, Michael A.

Flint, Gordon B.  
Middleton, John A.  
Rodeschin, Beverly T.

### NAYS 112 BELKNAP

Campbell, Richard H., Jr.  
Maviglio, Steven R.

Dewhirst, Glenn E.

Golden, Paul A.

**CARROLL**

Bradley, Jeb E.

Jean, Robert R.

Wiggin, Gordon E.

**CHESHIRE**Clark, Eugene W.  
Kingsbury, H. ThayerCole, Kenneth A.  
LaMar, David M.

Foster, Katherine D.

**COOS**Brungot, Catherine V.  
Mayhew, JosephineCoulombe, Henry W.  
Oliver, Terry D.Hawkinson, Marie C.  
Pratt, Leighton C.**GRAFTON**Arnesen, Deborah L.  
Guest, Robert H.  
Trelfa, Richard T.Chambers, Mary P.  
McIlwaine, Deborah P.Copenhaver, Marion L.  
Nordgren, Sharon L.**HILLSBOROUGH**Ackerman, Philip M.  
Baldizar, Barbara J.  
Carpenter, Karen A.  
Daniels, Gary L.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Janas, Gregory  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Peters, Stanley W.  
Rothhaus, Finlay C.  
Turgeon, Roland M.  
Wright, George W.Asselin, Robert P.  
Baroody, Benjamin C.  
Cote, David E.  
Drabinowicz, A. Theresa  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Johnson, Lionel W.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
McRae, Karen K.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Smith, Leonard A.  
Wheeler, David K.Baker, George H., Sr.  
Buckley, Raymond  
Crotty, Edward J.  
Dwyer, Patricia R.  
Hall, Betty B.  
Hultgren, David D.  
King, Frank P.  
Lawrence, Eva M.  
Lozeau, Donnalee M.  
Messier, Irene M.  
Pepino, Leo P.  
Riley, Frances L.  
Soucy, Donna M.  
White, John M.**MERRIMACK**Braiterman, Thea  
Jacobson, Alf E.  
Soldati, Jennifer G.  
Wallner, Mary JaneChristie, Thomas J.  
Johnson, Joyce M.  
Teague, Bert  
Weeks, John F., Jr.Dunn, Miriam D.  
Molner, Mary E.  
Trombly, Rick A.  
Yeaton, Charles B.**ROCKINGHAM**Buco, Stephen W.  
Coffey, John J.  
Griebsch, Linda  
Packard, Sherman A.  
Roulston, Donald L.  
Syracusa, AnthonyCaswell, Albert, Jr.  
Conroy, Janet M.  
Katsakiores, Phyllis  
Pantelakos, Laura C.  
Schanda, Joseph, Sr.  
Warburton, CalvinClark, Martha Fuller  
Flanagan, Natalie S.  
Melnick, Roy E.  
Raynowska, Bernard J.  
Smith, Arthur W.  
Woods, Deborah L.**STRAFFORD**Gilmore, Gary R.  
Jankowski, Peter M.  
Pelley, Janet R.  
Wheeler, Katherine W.Hambrick, Patricia A.  
Merrill, Amanda A.  
Torr, Ralph W.Hashem, Elaine M.  
O'Brien, John  
Wall, Janet G.

**SULLIVAN**

Allison, David C.  
Walsh, Robert R.

Burling, Peter Hoe

Harland, Jane A.

and the amendment was adopted.

Reps. Ann Bourque and Elizabeth Moore notified the Clerk that they wished to be recorded in opposition to the amendment.

Rep. Donna Sytek spoke in favor of the Committee report.

On a division vote, 246 members having voted in the affirmative and 88 in the negative, the report was adopted by the constitutionally required three-fifths.

Ordered to third reading.

**SUSPENSION OF RULES**

Reps. Gross and Chambers moved that the Rules be so far suspended as to permit third reading, and final passage at the present time of **CACR 6**, relating to taxation of business income and revenue. Providing that taxes of any type may be imposed on the income or revenue of businesses.

On a division vote, 262 members having voted in the affirmative and 63 in the negative, the motion to suspend was adopted by the necessary two-thirds.

**MOTION ON CACR**

Reps. Gross and Chambers moved that **CACR 6**, relating to taxation of business income and revenue. Providing that taxes of any type may be imposed on the income or revenue of businesses, be read a third time and passed.

On a division vote, 245 members having voted in the affirmative and 84 in the negative, **CACR 6** was adopted by the constitutionally required three-fifths.

**Third reading and final passage**

**CACR 6**, relating to taxation of business income and revenue. Providing that taxes of any type may be imposed on the income or revenue of businesses.

**SPECIAL ORDERS**

Rep. Teague moved that **CACR 9**, relating to revenue raised through a personal income tax. Providing that each year at least 75 percent of all general fund revenues resulting from any personal income tax be returned to the cities, towns, school district, counties, and property taxpayers to assist in property tax relief, and **HB 763**, to fund state aid to education, to provide for property tax relief for cities and towns and individuals, to amend the state tax structure, and making an appropriation therefor, be made special orders for the second legislative day following distribution of the Study of the State's Tax Structure.

Rep. Teague spoke in favor and yielded to questions.

Rep. Donna Sytek spoke to the motion.

Adopted.

**COMMITTEE REPORTS  
REGULAR CALENDAR**

**CACR 26**, relating to a personal income tax. Providing that if an income tax is enacted in the state, it shall be limited to a rate no higher than 4 percent. **INEXPEDIENT TO LEGISLATE**.

Rep. Shawn N. Jasper for Ways and Means: Both opponents and proponents of income tax opposed this **CACR**, although for different reasons. One side felt that a 4% rate was too limiting on the future needs of the state and that the rate should not be placed in the State Constitution. Others on the Committee saw this **CACR** as a



double-edged sword. While it can be seen as an effort to limit any future income tax, its passage could easily be seen as voter approval of such a tax. As a matter of fact any number of conclusions would and could be drawn, either from its passage or defeat, none of which may in fact be the correct one. This type of limit may be best passed after the legislature adopts an income tax, when and if that happens. Vote 14-0.

Rep. Donna Sytek moved that CACR 26 be recommitted to Committee, and spoke in favor of her motion.

On a division vote 234 members having voted in the affirmative and 100 in the negative CACR 26 was recommitted.

**CACR 27**, relating to taxation. Providing that there shall be no tax on earned personal income and no general sales tax. **INEXPEDIENT TO LEGISLATE**.

Rep. Avis B. Nichols for Ways and Means: Although the intent of controlling the extension of the tax base is commendable, the Committee felt that putting these prohibitions in the Constitution is much too broad and inflexible an approach to accomplish that purpose. If this bill were to pass, any additional money raised by the state would have to come from the business community which would discourage investment and job creation in the state. Vote 14-0.

Rep. Thomas Christie moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Rep. David Young spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

#### **YEAS 43**

#### **NAYS 292**

#### **YEAS 43 BELKNAP**

Accornero, Harry  
Zaharchuk, Peter J., Jr.

Johnson, Carl R.

Shibley, Arnold P.

#### **CARROLL**

Bradley, Jeb E.

Wiggin, Gordon E.

#### **CHESHIRE**

Cole, Kenneth A.

#### **COOS**

None

#### **GRAFTON**

Dow, David

#### **HILLSBOROUGH**

Buckley, Raymond  
Elliott, Larry G.  
Green, Scott E.  
Laughlin, J. Francis  
Ouellette, Robert O.  
Riley, Frances L.

Cook, Valerie S.  
Fenton, James J.  
Jean, Romeo W.  
Mason, Howard F.  
Paquette, Rodolphe G.  
Rothhaus, Finlay C.

Domaingue, Jacquelyn M.  
Gosselin, Gerald O.  
L'Heureux, Robert J.  
McRae, Karen K.  
Pepino, Leo P.  
Wright, George W.

#### **MERRIMACK**

Christie, Thomas J.

Daneault, Gabriel J.

**ROCKINGHAM**

Brown, Jeffrey M.  
Coffey, John J.  
Falwell, Robert V.  
Rubin, George R.  
Welch, David A.

Christie, Andrew, Jr.  
Connell, David R.  
Katsakiores, George N.  
Smith, Arthur W.  
Weyler, Kenneth L.

Chulack, Peter G., Sr.  
Dowd, Sandra K.  
Palazzo, Frank J.  
Warburton, Calvin

**STRAFFORD**

Foss, Patricia H.

**SULLIVAN**

None

**NAYS 292****BELKNAP**

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

Cain, Thomas G.  
Golden, Paul A.  
Joscelyn, William W.  
Salatiello, Thomas B.

Campbell, Richard H., Jr.  
Hawkins, Robert S.  
Maviglio, Steven R.  
Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
Daly, Robert J., Jr.  
Jean, Robert R.

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Allen R.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Stacey W.  
Foster, Katherine D.  
Hunt, John B.  
LaMar, David M.  
Metzger, Katherine H.  
Perry, David M.

Champagne, Richard L.  
Crutchley, Donald O.  
Grodin, Richard A.  
Kennison, Wayne A.  
Laurent, John J.  
Mohr, Frederick C., Jr.  
Sawyer, Alfred P.

Clark, Eugene W.  
Feuer, Joseph N.  
Hogan, James B.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Pearson, Gertrude B.  
Young, David A.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Marsh, Beaton  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Mayhew, Josephine  
Pratt, Leighton C.

Coulombe, Henry W.  
Horton, Lynn C.  
Merrill, Gerald P.  
Therault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
McIlwaine, Deborah P.  
Scanlan, David M.  
Teschner, Douglass P.  
Ward, Kathleen W.

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Shackett, Ralph E.  
Trelfa, Richard T.  
White, Paul R.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
Markley, J. Keith  
Nordgren, Sharon L.  
Stewart, Roger D.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ackerman, Philip M.	Ahrens, Frederick G.	Alukonis, David J.
Amidon, Eleanor H.	Andrews, Frederick B.	Arnold, Barbara E.
Asselin, Robert P.	Baker, George H., Sr.	Baldizar, Barbara J.
Baroody, Benjamin C.	Bourque, Ann J.	Bowers, Dorothy C.
Calawa, Leon, Jr.	Carpenter, Karen A.	Chasse, Richard D.
Cote, David E.	Cowenhoven, Garret P.	Crotty, Edward J.
Daigle, Robert A.	Daniels, Gary L.	Desrosiers, William J.
Dodge, Emma M.	Donovan, Francis X.	Drabinowicz, A. Theresa
Dwyer, Patricia R.	Dyer, Merton S.	Emerton, Lawrence A.
Ferguson, Charles	Ferlan, Arthur P.	Fields, Dennis H.
Ford, Nancy M.	Gagnon, Eugene L.	Goulet, Maurice E.
Greenglass, Alan B.	Gureckis, Adam C., Sr.	Haettenschwiller, Alphonse
Hall, Betty B.	Hanselman, Gregory L.	Healy, Walter F.
Holden, Carol H.	Hultgren, David D.	Janas, Gregory
Jasper, Shawn N.	Johnson, Lionel W.	Keane, Cornelius J.
Kelley, Dana F.	Kelley, Robert N.	King, Frank P.
Kurk, Neal M.	Lachut, Ervin R.	Larochelle, Roger B.
Lawrence, Eva M.	Lawrence, Norman B.	Lefebvre, Roland J.
Lown, Elizabeth D.	Lozeau, Donnalee M.	McCann, Bonnie Lou
McDowell, James E.	McNerney, Daniel P.	Mercer, Robert S.
Messier, Irene M.	Moore, Elizabeth A.	Murphy, Robert E.
Packard, Bonnie B.	Peters, Stanley W.	Pignatelli, Debora B.
Record, Alice B.	Reidy, Frank J.	Rheault, Lillian I.
Robinson, Ellen-Ann	Rodgers, G. Philip	Sallada, Roland A.
Searles, Stanley N., Sr.	Smith, Leonard A.	Soucy, Donna M.
Stiles, Walter A.	Tarpley-Bamberger, Nancy L.	Turgeon, Roland M.
Upton, Barbara A.	Vanderloek, Stanley R.	Wheeler, David K.
White, John M.		

**MERRIMACK**

Apple, Lowell D.	Barberia, Richard A.	Braiterman, Thea
Carter, Susan D.	Chandler, Earle W.	Chandler, John P.
Dunn, Miriam D.	Fair, Patricia A.	Fillion, Paul R.
Gilbreth, Robert M.	Gross, Caroline L.	Hager, Elizabeth S.
Hall, Douglas E.	Hayes, Robert C.	Hill, Michael J.
Holmes, Mary C.	Jacobson, Alf E.	Johnson, C. William
Johnson, Joyce M.	Letourneau, George E.	Lewis, Mary Ann
Lockwood, Robert A.	Millard, Elizabeth S.	Molner, Mary E.
Nichols, Avis B.	Smith, Gerald R.	Soldati, Jennifer G.
Stapleton, Henry F.	Stio, Peter M.	Teague, Bert
Trombly, Rick A.	Wallner, Mary Jane	Weeks, John F., Jr.
Whittemore, James A.	Yeaton, Charles B.	

**ROCKINGHAM**

Barnes, John S., Jr.	Benton, Richardson D.	Boucher, William P.
Buco, Stephen W.	Campbell, Marilyn R.	Caswell, Albert, Jr.
Clark, Martha Fuller	Conroy, Janet M.	Cote, Patricia L.
DiPietro, Carmela M.	Dube, LeRoy S.	Felch, Charles H., Sr.
Flanagan, Natalie S.	Flanders, John W., Sr.	Ford, Bert H.

Gage, Beverly A.  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Melnick, Roy E.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Simon, Peter M.  
 Sytek, John J.  
 Vaughn, Charles L.

Griebsch, Linda  
 Hurst, Sharleene P.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Pantelakos, Laura C.  
 Rosencrantz, James R.  
 Senter, Merilyn P.  
 Syracuse, Anthony  
 Thayer, Leroy C.  
 Wells, Henry E.

Hoar, John, Jr.  
 Hynes, Carolyn E.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 McCain, William F.  
 McKinney, Betsy  
 Parr, Ednapearl F.  
 Roulston, Donald L.  
 Seward, Russell G.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Woods, Deborah L.

### STRAFFORD

Brown, Julie M.  
 Flynn, Edward J.  
 Hashem, Elaine M.  
 Kincaid, William K.  
 Martling, W. Kent  
 Nehring, William H.  
 Pelley, Janet R.  
 Torr, Ann M.  
 Vincent, Francis C.  
 Young, John B.

Corte, Arthur B.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 Kinney, Paula J.  
 Merrill, Amanda A.  
 O'Brien, John  
 Spencer, Leo J.  
 Torr, Ralph W.  
 Wall, Janet G.

Douglass, Clyde J.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 Marston, Robert E.  
 Musler, George T.  
 Pageotte, Donald P.  
 Sullivan, Henry P.  
 Tsiros, William  
 Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
 Domini, Irene C.  
 Krueger, Richard H.  
 Peyron, Fredrik  
 Schotanus, Merle W.  
 and the motion failed.  
 Report adopted.

Behrens, Thomas A.  
 Flint, Gordon B.  
 Lindblade, Eric N.  
 Porter, Robert H.  
 Tetu, Michael A.

Burling, Peter Hoe  
 Harland, Jane A.  
 Middleton, John A.  
 Rodeschin, Beverly T.  
 Walsh, Robert R.

**HR 11**, petition contesting the seating of representative Cynthia A. McGovern of Portsmouth, New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. David E. Cote for Legislative Administration: The Committee recommended that the House find the resolution inexpedient for the following reasons:

1. The voters of Rockingham 27 were fully aware of the questions surrounding Mrs. McGovern's residency prior to the November 1990 general election.

2. The Portsmouth Board of Registrars considered and rejected a formal challenge to Ms. McGovern's legal status as a voter in Ward 5. In making it's determination, the Board considered evidence of physical absence for a period considerably longer than June through December 1990.

3. There has been no complaint about Rep. McGovern's non-residency or unavailability during the 1991 Session of the Legislature.

4. While the House has the power to decide "how long is too long" for a member to be physically absent from his district, the House has not done so. While it is clear that a member who permanently leaves his district must lose his seat, there is no accepted standard for evaluating temporary absences when there is both an intent to return and when the return actually takes place. Vote 14-0.



Rep. Trombly spoke in favor.  
Adopted.

### SPECIAL ORDERS

**HB 699-FN**, relative to solid waste reduction. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Marilyn R. Campbell for the Majority of Environment and Agriculture: It was the opinion of the Majority of the Committee that this bill might have negative effects on the voluntary recycling efforts now being carried by communities. It also might end up mandating communities to set up recycling centers if no private enterprise comes forward. Vote 13-5.

Reps. Betty B. Hall, Gregory L. Hanselman, Daniel M. Burnham, Linda Griebisch, and Amanda A. Merrill for the Minority of Environment and Agriculture: The Legislature established a recycling goal of 40 percent in the last session. According to the latest figures, supplied by the Department of Environmental Services, we are recycling at the rate of 20 percent. The current cost of recycling is supported almost entirely by the overburdened property tax. If we are to reach our goal, incentives to consumers and municipalities are needed. The Minority believes the handling fee of \$0.03 for each beverage container, returned to the municipalities under this bill, will encourage additional municipalities to participate in recycling. An amendment proposing improvements to the original bill will be ready for the House's consideration in January.

Rep. Betty Hall moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke to her motion.

Reps. Griebisch and Sawyer spoke in favor.

Rep. Marilyn Campbell requested a quorum count.

The Speaker declared a quorum present.

Reps. Marilyn Campbell and Bradley spoke against and yielded to questions.

Rep. Leonard Smith spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 92**

**NAYS 239**

### YEAS 92 BELKNAP

Maviglio, Steven R.

Salatiello, Thomas B.

### CARROLL

Jean, Robert R.

### CHESHIRE

Burnham, Daniel M.

Champagne, Richard L.

Cole, Kenneth A.

Foster, Katherine D.

Hunt, John B.

Kingsbury, H. Thayer

LaMar, David M.

Lynch, Margaret A.

Metzger, Katherine H.

Pearson, Gertrude B.

Sawyer, Alfred P.

### COOS

Buckley, C. Fitzgerald

Hawkinson, Marie C.

Mayhew, Josephine

Pratt, Leighton C.

**GRAFTON**

Arnesen, Deborah L.  
Guest, Robert H.

Chambers, Mary P.  
McIlwaine, Deborah P.

Copenhaver, Marion L.  
Nordgren, Sharon L.

**HILLSBOROUGH**

Ackerman, Philip M.  
Buckley, Raymond  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Haettenschwiller, Alphonse  
Janas, Gregory  
L'Heureux, Robert J.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Smith, Leonard A.

Asselin, Robert P.  
Cote, David E.  
Dwyer, Patricia R.  
Ford, Nancy M.  
Hall, Betty B.  
Jasper, Shawn N.  
Lefebvre, Roland J.  
McRae, Karen K.  
Pignatelli, Debora B.  
White, John M.

Baldizar, Barbara J.  
Daigle, Robert A.  
Elliott, Larry G.  
Green, Scott E.  
Hanselman, Gregory L.  
Jean, Romeo W.  
Lozeau, Donnalee M.  
Messier, Irene M.  
Searles, Stanley N., Sr.

**MERRIMACK**

Braiterman, Thea  
Hall, Douglas E.  
Soldati, Jennifer G.  
Weeks, John F., Jr.

Chandler, John P.  
Jacobson, Alf E.  
Trombly, Rick A.  
Whittemore, James A.

Dunn, Miriam D.  
Molner, Mary E.  
Wallner, Mary Jane  
Yeaton, Charles B.

**ROCKINGHAM**

Barnes, John S., Jr.  
Clark, Martha Fuller  
Hynes, Carolyn E.  
Syracusa, Anthony

Bell, Juanita L.  
DiPietro, Carmela M.  
Kane, Cecelia D.  
Vaughn, Charles L.

Caswell, Albert, Jr.  
Griebisch, Linda  
McGovern, Cynthia A.

**STRAFFORD**

Foss, Patricia H.  
Hashem, Elaine M.  
Merrill, Amanda A.  
Torr, Ralph W.

Gilmore, Gary R.  
Jankowski, Peter M.  
O'Brien, John  
Wall, Janet G.

Hambrick, Patricia A.  
Keans, Sandra B.  
Spencer, Leo J.  
Wheeler, Katherine W.

**SULLIVAN**

Burling, Peter Hoe  
Walsh, Robert R.

Harland, Jane A.

Tetu, Michael A.

**NAYS 239****BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Hawkins, Robert S.  
Joscelyn, William W.  
Turner, Robert H.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

Cain, Thomas G.  
Golden, Paul A.  
Johnson, Carl R.  
Shibley, Arnold P.  
Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Gordon E.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Bradley, Jeb E.  
Dickinson, Howard C.  
Wiggin, Allen R.

**CHESHIRE**

Clark, Eugene W.  
Feuer, Joseph N.  
Laurent, John J.  
Young, David A.

Cole, Stacey W.  
Hogan, James B.  
Mohr, Frederick C., Jr.

Crutchley, Donald O.  
Kennison, Wayne A.  
Perry, David M.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Oliver, Terry D.

Coulombe, Henry W.  
Marsh, Beaton  
Theriault, Romeo J.

Guay, Lawrence J.  
Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Wadsworth, Karen O.

Bean, Pamela B.  
Christy, C.  
Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.  
Teschner, Douglass P.  
Ward, Kathleen W.

Brown, Channing T.  
Dana Dow, David  
LaMott, Paul I.  
Markley, J. Keith  
Shackett, Ralph E.  
Trelfa, Richard T.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Bourque, Ann J.  
Carpenter, Karen A.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Donovan, Francis X.  
Fenton, James J.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Holden, Carol H.  
Keane, Cornelius J.  
King, Frank P.  
Larochelle, Roger B.  
Lawrence, Norman B.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Ouellette, Robert O.  
Pepino, Leo P.  
Reidy, Frank J.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.

Alukonis, David J.  
Arnold, Barbara E.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Crotty, Edward J.  
Dodge, Emma M.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Hultgren, David D.  
Kelley, Dana F.  
Kurk, Neal M.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
McDowell, James E.  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Peters, Stanley W.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Soucy, Donna M.  
Turgeon, Roland M.  
Wheeler, David K.

Amidon, Eleanor H.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Cook, Valerie S.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Goulet, Maurice E.  
Healy, Walter F.  
Johnson, Lionel W.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lawrence, Eva M.  
Mason, Howard F.  
McNerney, Daniel P.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Record, Alice B.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Stiles, Walter A.  
Upton, Barbara A.  
Wright, George W.

**MERRIMACK**

Apple, Lowell D.  
Chandler, Earle W.  
Fair, Patricia A.  
Gross, Caroline L.

Barberia, Richard A.  
Christie, Thomas J.  
Fillion, Paul R.  
Hager, Elizabeth S.

Carter, Susan D.  
Daneault, Gabriel J.  
Gilbreth, Robert M.  
Hayes, Robert C.

Hill, Michael J.  
 Johnson, Joyce M.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Teague, Bert

Holmes, Mary C.  
 Letourneau, George E.  
 Millard, Elizabeth S.  
 Stapleton, Henry F.

Johnson, C. William  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Stio, Peter M.

### ROCKINGHAM

Benton, Richardson D.  
 Bucu, Stephen W.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 Dube, LeRoy S.  
 Flanders, John W., Sr.  
 Hoelzel, Kathleen M.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Melnick, Roy E.  
 Pantelakos, Laura C.  
 Rosencrantz, James R.  
 Schanda, Joseph, Sr.  
 Simon, Peter M.  
 Sytek, John J.  
 Welch, David A.  
 Woods, Deborah L.

Boucher, William P.  
 Campbell, Marilyn R.  
 Coffey, John J.  
 Cote, Patricia L.  
 Falwell, Robert V.  
 Ford, Bert H.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Parr, Ednappearl F.  
 Roulston, Donald L.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Tufts, Arthur  
 Wells, Henry E.

Brown, Jeffrey M.  
 Christie, Andrew, Jr.  
 Connell, David R.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Palazzo, Frank J.  
 Raynowska, Bernard J.  
 Rubin, George R.  
 Seward, Russell G.  
 Sytek, Donna P.  
 Warburton, Calvin  
 Weyler, Kenneth L.

### STRAFFORD

Brown, Julie M.  
 Flynn, Edward J.  
 Marston, Robert E.  
 Nehring, William H.  
 Sullivan, Henry P.  
 Vincent, Francis C.

Corte, Arthur B.  
 Kincaid, William K.  
 Martling, W. Kent  
 Pageotte, Donald P.  
 Torr, Ann M.  
 Young, John B.

Douglass, Clyde J.  
 Kinney, Paula J.  
 Musler, George T.  
 Pelley, Janet R.  
 Tsiros, William

### SULLIVAN

Behrens, Thomas A.  
 Krueger, Richard H.  
 Peyron, Fredrik

Domini, Irene C.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.

Flint, Gordon B.  
 Middleton, John A.  
 Schotanus, Merle W.

and the motion failed.

Rep. Grodin notified the Clerk that he wished to be recorded in opposition to the substitute motion.

Report adopted.

**HB 693-FN.** relative to disclosure of tax records related to investigations by the attorney general and relative to forfeiture of items seized in connection with controlled drug offenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donnalee M. Lozeau for Judiciary: This subject is very controversial. However, the bill itself, along with the amendment, clarifies the current law relative to items and procedures involved in drug forfeiture. The Committee debated extensively and agreed to allow passage of these clarifications, but to follow through with a new bill which will allow the whole subject of drug forfeiture to go through the proper



procedure. The Rules Committee has allowed the new bill in and the Committee is dedicated to address this issue in full. Vote 11-5.

4406L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Disclosure of Records for Drug Investigations. Amend RSA 21-J:14, V(d) by inserting after subparagraph (4) the following new subparagraph:

(5) the attorney general upon written representation that the department of justice is engaged in an ongoing civil or criminal investigation under RSA 318-B which may result in proceedings before a state grand jury or court. This shall not authorize the attorney general to receive from the department of revenue administration or its employees any returns or tax information received from the United States Internal Revenue Service or any other state's tax administration agency with which the department of revenue administration has compacts for the exchange of tax information. The attorney general shall not disclose any information obtained as a result of said representation except as it is essential to the proper discharge of his duties.

2 Judicial Forfeiture of Drug-Related Items. Amend RSA 318-B:17-b to read as follows:

318-B:17-b Forfeiture of Items Used in Connection with Drug Offense.

I. Interests in the following property, upon petition of the attorney general, shall be subject to forfeiture to the state and said property interest shall be vested in the state:

(a) All materials, products and equipment of any kind, *including, but not limited to, firearms, scales, packaging equipment, surveillance equipment and grow lights*, which are used[, or intended for use[, in [manufacturing,] *procurement, manufacture, compounding, processing, concealing*, trafficking, *delivery or distribution* [or furnishing any] *of a* controlled drug in felonious violation of this chapter.

(b) Property interest in any conveyance, including *but not limited to* aircraft, vehicles, or vessels, which is used or intended for use in the *procurement*, [manufacturing] *manufacture*, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter.

(c) Any moneys, *coin, currency, negotiable instruments, securities or other investments* knowingly used or intended for use in the procurement, manufacture, compounding, processing, *concealing, trafficking*, delivery or distribution of a controlled drug in felonious violation of this chapter and all proceeds, including moneys, *coin, currency*, negotiable instruments, securities *or other investments*, and any real or personal property, traceable thereto. All moneys, coin [and], currency, *negotiable instruments, securities and other investments* found in proximity to controlled substances[, drug paraphernalia, or records of procurement, manufacture, or distribution of controlled substances] are presumed to be forfeitable under this paragraph. The claimant of the property shall bear the burden of rebutting this presumption.

(d) Any books, records, ledgers and research material, including formula, microfilm, tapes and any other data which are used or intended for use in felonious violation of this chapter.

(e) Any real property, *including any right, title, leasehold interest, and other interest in the whole of any lot or tract of land and any appurtenances or improvements, which real property is* knowingly used or intended for use, *in any manner or*

*part*, in the *procurement*, [manufacturing] *manufacture*, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter. [The state may seize any interest in such property by filing in the registry of deeds in the county where the property is located a notice of attachment stating that the state has attached the identified property pursuant to this paragraph.]

*I-a.* [(f)] The state shall have a lien on any property subject to forfeiture under this section upon seizure thereof. Upon forfeiture, the state's title to the property relates back to the date of seizure.

*I-b. Property may be seized for forfeiture by any law enforcement agency designated by the department of justice, as follows:*

*(a) Upon process issued by any justice, associate justice or special justice of the municipal, district or superior court. The court may issue a seizure warrant on an affidavit under oath demonstrating that probable cause exists for its forfeiture or that the property has been the subject of a previous final judgment of forfeiture in the courts of any state or of the United States. The application for process and the issuance, execution and return of process shall be subject to applicable state law. The court may order that the property be seized and secured on such terms and conditions as are reasonable in the discretion of the court. Such order may include an order to a financial institution or to any fiduciary or bailee to require the entity to impound any property in its possession or control and not to release it except upon further order of the court. The order may be made on or in connection with a search warrant;*

*(b) Physically, without process on probable cause to believe that the property is subject to forfeiture under this chapter; or*

*(c) Constructively, without process on probable cause to believe that the property is subject to forfeiture under this chapter, by recording a notice of pending forfeiture in the registry of deeds in the county where the real property is located or at the town clerk's office where the personal property is located stating that the state intends to seek forfeiture of the identified property pursuant to this chapter.*

*(d) A seizure for forfeiture without process under subparagraph (b) or (c) is reasonable if made under circumstances in which a warrantless seizure or arrest would be valid in accordance with state law.*

*I-c. Upon seizure of any items or property interests the property shall not be subject to alienation, sequestration or attachment but is deemed to be in the custody of the department of justice subject only to the order of the court.*

*II.(a) Upon the seizure of any [items or property interests] personal property under paragraph I, the person making or directing such seizure shall inventory the items or property interests and issue a copy of the resulting report to any person or persons having a recorded interest, or claiming an equitable interest in the item within 7 days of said seizure.*

*(b) Upon seizure of any real property under paragraph I, the person making or directing such seizure shall notify any person having a recorded interest or claiming an equitable interest in the property within 7 days of said seizure.*

*(c) The seizing agency shall cause an appraisal to be made of the property as soon as possible and shall promptly send to the department of justice a written request for forfeiture. This request shall include a statement of all facts and circumstances supporting forfeiture of the property, including the names of all witnesses then known, and the appraised value of the property.*

*(d) The department of justice shall examine the facts and applicable law of the cases referred pursuant to subparagraph (c), and if it is probable that the property is subject to forfeiture, shall cause the initiation of administrative or judicial proceedings against the property. If upon inquiry and examination, the department of justice determines that such proceedings probably cannot be sustained or that the ends of justice do not require the institution of such proceedings, the department shall make a written report of such findings and send a copy to the seizing agency, and, if appropriate, shall also authorize and direct the release of the property.*

*(e) [Any person making or directing said seizure] The department of justice shall, within [30] 60 days of the seizure, either file a petition in the superior court having jurisdiction under this section or seek administrative forfeiture pursuant to RSA 318-B:17-d. If no such petition is filed or administrative procedure initiated within [30] 60 days, the items or property interest seized shall be released or returned to the owners.*

*II-a. Pending forfeiture and final disposition, the law enforcement agency making the seizure shall:*

*(a) Place the property under seal; or*

*(b) Remove the property to a storage area for safekeeping; or*

*(c) Remove the property to a place designated by the court; or*

*(d) Request another agency to take custody of the property and remove it to an appropriate location within the state; or*

*(e) In the case of moneys, file a motion for transfer of evidence under RSA 595-A:6. Upon the court's granting of the motion the moneys shall be immediately forwarded to an interest-bearing seized asset escrow account to be administered by the attorney general. Upon resolution of the forfeiture proceeding the moneys deposited shall be transferred to the drug forfeiture fund or returned to the owners thereof as directed by the court. Unless otherwise ordered by a court in a specific case, interest on all moneys deposited in the seized asset escrow account shall be deposited annually into the drug forfeiture fund established under RSA 318-B:17-c.*

III. The court may order forfeiture of all items or property interests subject to the provisions of paragraph I. except as follows:

*(a) No item or property interest shall be subject to forfeiture unless it shall appear that the owner or owners thereof were consenting parties to a felonious violation of this chapter and had knowledge thereof.*

*(b) No items or property interests shall be subject to forfeiture unless involved in an offense which may be charged as a felony.*

IV. *(a) The [attorney general] department of justice may petition the superior court in the name of the state in the nature of a proceeding in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. Such petition shall be filed in the court having jurisdiction over any related criminal proceedings which could be brought under this chapter.*

*(b) Such proceeding shall be deemed a civil suit in equity in which the state shall have the burden of proving all material facts by a preponderance of the evidence and in which the owners or other persons claiming an exception pursuant to paragraph III shall have the burden of proving such exception.*

*(c) The court shall issue orders of notice to all persons who [may] have a recorded interest or claim an equitable interest in said items or property interests seized under this chapter and shall schedule a hearing on the petition to be held within [30] 90 days of the return date on said petition.*



(d) At the request of any party to the forfeiture proceeding, the court may grant a continuance until the final resolution of any criminal proceedings which were brought against a party under this chapter and which arose from the transaction which gave rise to the forfeiture proceeding.

(e) At the hearing, the court shall hear evidence and make findings of fact and conclusions of law and shall, thereupon, make a final order, from which all parties shall have a right of appeal.

V. [Such] Final orders *for forfeiture of property under this section or under RSA 318-B:17-d* shall be implemented by the [attorney general] *department of justice* and shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including *but not limited to* retention for official use by law enforcement or other public agencies or sale at public auction. The [attorney general] *department of justice* shall pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs and notice of sale from any money forfeited and from the proceeds of any *sale or public auction of forfeited items*. All outstanding recorded liens on said items or property interests seized shall be paid in full upon conclusion of the court proceedings *from the proceeds of any sale or public auction of forfeited items*. The balance remaining shall be distributed by the [attorney general] *department of justice* as follows:

(a) Of the first \$200,000:

(1) Forty-five percent shall be returned to the fiscal officer or officers of the [municipality or municipalities or county or counties where] *municipal, county, state, or federal government which provided* the law enforcement agency or agencies responsible for *the seizure* [of the money and auctioned items are located]. Moneys returned to each fiscal officer shall be deposited in a special account and shall be used primarily for meeting expenses incurred by law enforcement agencies in connection with drug-related investigations. Except as provided in RSA 31:95-b, such funds shall be available for expenditure without further appropriation by the [governing] *legislative* body of the [municipality or] *municipal, county, state or federal government*, and shall not be transferred or expended for any other purpose. Moneys returned to a state law enforcement agency shall be deposited in a special nonlapsing account established within the office of the state treasurer and shall be in addition to all other state appropriations to such agency;

(2) Ten percent shall be deposited into a special nonlapsing account established within the office of the state treasurer for the office of alcohol and drug abuse prevention; and

(3) Forty-five percent shall be deposited in a revolving drug forfeiture fund, administered by the department of justice pursuant to RSA 318-B:17-c; and

(b) Of any [balance remaining] *excess over \$200,000*:

(1) Ten percent shall be deposited in the manner prescribed in subparagraph [IV(a)(2)] *V(a)(2)* of this section; and

(2) Ninety percent shall be deposited in the manner prescribed in subparagraph [IV(a)(3)] *V(a)(3)* of this section.

(c) *Notwithstanding subparagraphs V(a) and V(b) of this section*, the total amount of payments made to the special account for the office of alcohol and drug abuse prevention pursuant to subparagraphs [IV(a)(2)] *V(a)(2)* and [IV(b)(1)] *V(b)(1)* of this section shall [at no time] *not* exceed \$400,000 in any fiscal year[. All sums in the special account for the office of alcohol and drug abuse prevention in excess of \$400,000] *and any excess over \$400,000 which would otherwise be paid to such*



special account under this section shall be deposited in the general fund. The revolving drug forfeiture fund shall at no time exceed \$1,000,000. All sums in the revolving drug forfeiture fund in excess of \$1,000,000 shall be credited to the general fund.

3 Administrative Forfeiture of Drug-Related Items. RSA 318-B:17-d is repealed and reenacted to read as follows:

318-B:17-d Administrative Forfeiture of Items Used in Connection with Drug Offenses.

I. Interests in property subject to forfeiture under the provisions of RSA 318-B:17-b, subparagraphs I(a), I(b), I(c) excepting proceeds and I(d), but not real property, shall be subject to administrative forfeiture by the department of justice provided that the total amount or value of such property does not exceed \$75,000. The provisions of RSA 318-B:17-b shall apply in any case of administrative forfeiture except as otherwise provided in this section.

II. The department of justice may administratively forfeit property seized under paragraph I of this section as follows:

(a) The department of justice shall provide a notice of intent to forfeit property administratively by publication for 3 consecutive weeks in a local newspaper of general circulation where the property was seized.

(b) In addition, to the extent practicable, the department of justice shall provide notice by certified mail return receipt addressee only requested, of intent to forfeit the property administratively to all persons having a recorded interest or claiming an equitable interest in the property seized.

(c) Notice by publication and by mail shall include:

(1) A description of the property;

(2) Its appraised value;

(3) The date and place of seizure;

(4) The violation of law alleged against the subject property;

(5) Instructions for filing a claim and posting bond or filing a petition for remission or mitigation; and

(6) Notice that the property will be forfeited to the state if a petition for remission or mitigation has not been filed in a timely manner or a claim has not been filed and bond has not been posted in a timely manner.

(d) Persons claiming an interest in the property may file petitions for remission or mitigation of forfeiture or file a claim and post bond with the department of justice within 30 days of the first notice by publication or 30 days from the receipt of written notice, whichever is later.

(e) It shall be the duty of the department of justice to inquire into the facts and circumstances surrounding petitions for remission or mitigation of forfeiture.

(f) The department of justice shall provide the seizing agency and the petitioner a written decision on each petition for remission or mitigation within 60 days of receipt of such petition unless the circumstances of the case require additional time in which case the department of justice shall notify the petition in writing and with specificity within the 60-day period that the circumstances of the case require additional time, and further notify the petitioner of the expected decision date.

(g) Any person claiming an interest in seized property may institute judicial review of the seizure and proposed forfeiture by timely filing with the department of justice a claim and bond to the state in the amount of 10 percent of the appraised value or in the penal sum of \$2,500, whichever is less, with sureties to be approved by the department of justice, upon condition that in the case of forfeiture the claimant shall

pay all costs and expenses of the proceedings at the discretion of the court. A sworn affidavit of indigency may be filed in lieu of a cost bond. Upon receipt of the claim and bond, or, if the department of justice otherwise so elects, the department shall file with the court a petition in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. All judicial proceedings thereafter shall be conducted in accordance with the provisions of RSA 318-B:17-b, IV. Any bonds received by the department of justice shall be held by the department pending final deposition of the case.

(h) If no petitions or claims with bonds are timely filed, the department of justice shall prepare a written declaration of forfeiture of the subject property to the state and dispose of the property in accordance with this section and the department of justice rules, if any, relative to this section.

(i) If the petition is denied, the department of justice shall prepare a written declaration of forfeiture to the state and dispose of the property in accordance with this section and the department of justice rules, if any, relative to this section.

(j) A written declaration of forfeiture signed by the attorney general or designee pursuant to this chapter shall be deemed good and sufficient title to the forfeited property.

4 Effective Date. This act shall take effect 30 days after its passage.

Rep. Warburton spoke against.

Rep. Burling spoke in favor.

Adopted.

Report adopted.

Referred to Appropriations.

### MOTION TO SPECIAL ORDER

Rep. Leonard Smith moved that **HB 404-FN**, relative to certification of wetland scientists, be made a special order for January 23.

On a division vote 158 members having voted in the affirmative and 162 in the negative, the motion failed.

**HB 404-FN**, relative to certification of wetland scientists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill was critically reviewed by the Subcommittee and two hearings were held this fall. Although the Subcommittee recognized the on-going value of this speciality, it was unanimously agreed that certification is not essential at this time. In a related issue, a Subcommittee reviewed House Bill 367, relating to the profession of engineering. It became apparent that a review of the Joint Board of Licensure for Engineers, Architects, Land Surveyors, Natural Scientists, and Foresters has to be examined. House Bill 404 would have added the wetland scientists to that Joint Board.

The amendment to House Bill 404, which replaces the original wording of the bill, provides a study vehicle for the Committee to review and make recommendations regarding registration, certification, and licensure for each of the professions within the Joint Board. In addition, the issue (or framework) in which the wetland scientists might fit within this Joint Board will be examined. Vote 15-1.

4133L

### Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

requiring the introduction of legislation in the 1993 session  
relative to the joint board of engineers, architects, land  
surveyors, foresters and natural scientists.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislation Relative to Joint Board of Engineers, Architects, Land Surveyors, Foresters, and Natural Scientists. The house executive departments and administration committee shall study, review and make recommendations in the form of legislation to be introduced in the 1993 legislative session, regarding registration, certification and licensure for each of the professions within the joint board of engineers, architects, land surveyors, foresters, and natural scientists. In addition, the committee shall study and review the profession of wetland science and any other professions which require registration, certification or licensure by the joint board and may make recommendations on those professions.

2 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill requires the house executive departments and administration committee to study, review and make recommendations in the form of legislation to be introduced in the 1993 legislative session, regarding registration, certification and licensure for each of the professions within the joint board of engineers, architects, land surveyors, foresters, and natural scientists. In addition, the committee shall study and review the profession of wetland science and any other professions which require registration, certification or licensure by the joint board and may make recommendations on those professions.

Adopted.

Rep. Leonard offered a floor amendment spoke in favor and yielded to questions.

4455L

## Floor Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to certification of wetland scientists and requiring the introduction  
of legislation in the 1993 session relative to the joint board of  
engineers, architects, land surveyors, natural scientists,  
foresters and wetland scientists.

Amend the bill by replacing all after the enacting clause with the following:

1 Chapter Heading; Wetland Scientists Included. Amend the chapter heading of RSA 310-A to read as follows:

ENGINEERS, ARCHITECTS, LAND SURVEYORS, NATURAL  
SCIENTISTS, [AND] FORESTERS, *AND WETLAND SCIENTISTS*

2 Adding Wetland Scientists. Amend RSA 310-A:1 to read as follows:

310-A:1 Joint Board Established. There shall be a joint board of engineers, architects, land surveyors, foresters, [and] natural scientists, *and wetland scientists* consisting of each of the members of the board of engineers, *the* board of architects, *the* state board of licensure for land surveyors, *the* foresters' board, [and] the board of natural scientists, *and the board of wetland scientists*. The joint board shall meet at least quarterly to carry out its duties established under this chapter.

3 Adding Wetland Scientists. Amend RSA 310-A:97 to read as follows:

310-A:97 Title. This chapter shall be cited as the "New Hampshire Joint Board of Licensure for Engineers, Architects, Land Surveyors, Natural Scientists, [and] Foresters, *and Wetland Scientists.*"

4 Purpose. The general court finds that wetlands perform valuable functions important to public and private interests and that it is in the best interest of the people of New Hampshire to establish qualifications for those persons who practice the profession of wetland science. Certification will guard the people of this state and the profession from unqualified practitioners of wetland science while continuing to protect wetlands and their functions through wise planning and land use decisions.

5 New Subdivision; Certification of Wetland Scientists. Amend RSA 310-A by inserting after section 117 the following new subdivision:

Certifying Wetland Scientists

310-A:118 General Provisions. Nothing in this subdivision shall be construed to prohibit or limit:

I. One or more wetland scientists from practicing wetland science through a sole proprietorship, partnership or corporation. For any such entity engaged in the practice of wetland science, at least one partner, officer or employee shall be a certified wetland scientist, and all descriptions, classifications, evaluations or delineations shall be stamped and co-signed by that certified wetland scientist, who shall be responsible for the accuracy of the information.

II. The practice of wetland science by a nonresident not having an established place of business in this state when such practice does not exceed, in the aggregate, more than 30 working days in any calendar year, provided such person is legally qualified to practice in his own state or country in which the requirements and qualifications for obtaining licensure or certification are not lower than those specified in this subdivision. If no standards for practicing wetland science exist in his own state or country, the practitioner must possess the qualifications as outlined in RSA 310-A:126. Practice for any portion of a day shall be deemed to constitute practice for an entire day.

III. The practice of wetland science by any employee or agent of a person certified under this subdivision, provided the practice of wetland science is done in accordance with the provisions of this subdivision and under the direct supervision of a certified wetland scientist.

IV. Officers and employees of environmental regulatory agencies of the United States, the state of New Hampshire and New Hampshire conservation commissions from engaging in this state in the practice of wetland science for the local, state or federal government.

310-A:119 Definitions. In this chapter:

I. "Board" means the state board of wetland scientists which is authorized to certify wetland scientists pursuant to this subdivision.

II. "Certified wetland scientist" means any individual who has been certified by the board, and who, by reason of his multidisciplinary expertise in wetland science, is qualified to practice wetland science.

III. "Multidisciplinary expertise in wetland science" means experience, or a combination of experience, education, and training in multiple scientific disciplines, including but not limited to botany, hydrology, pedology, ecology, biology and geology, and an understanding of the inter-relationships of these disciplines to the function and development of wetlands.



IV. "Practice wetland science" means the ability to delineate, classify, evaluate and describe wetlands according to standards approved by the board.

310-A:120 Certification. Any person, except as specifically exempted in RSA 310-A:118, who offers to practice wetland science for the general public in this state shall be certified in the practice of wetland science and shall be subject to the provisions of this subdivision.

310-A:121 Professional Standards. Standards for the profession of wetland science shall be based on the following:

I. Classification of wetlands shall be based on the "Classification of Wetlands and Deepwater Habitats of the United States," 1979 or the latest edition, as published by the United States Department of the Interior, Fish and Wildlife Service, or the classification system adopted by the state wetlands board.

II. Delineation of wetland boundaries shall be based on the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," 1989 or the latest edition, as prepared by the federal Interagency Committee for Wetland Delineation, and standards adopted by the state wetlands board.

III. Evaluation of wetland function and value shall be based on nationally or regionally accepted functional assessment methods accepted by the board and methods adopted by the state wetlands board.

310-A:122 Reciprocity. Any nonresident of this state who is licensed or certified as a wetland scientist nationally or in another state may be certified under this subdivision by filing an application with the board accompanied by a copy of his license or certification in such other state, and by paying a fee to the board, provided the applicant's qualifications meet the requirements of this subdivision and the rules adopted by the board.

310-A:123 Wetland Scientists Board; Establishment; Expenses.

I. There is established a board of wetland scientists to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be certified wetland scientists, as defined in RSA 310-A:119, II and one public member. The initial board members shall meet the education and experience requirements in RSA 310-A:126, I(a) or (b). The public member of the board shall be a person who is not, and never was, a member of the wetland science profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provisions of wetland science services or an activity directly related to wetland science, including the representation of the board or profession for a fee at any time during the 3 years preceding appointment.

II. Each member of the board shall be a United States citizen and shall have been a resident of the state for at least 3 years immediately prior to appointment. Each of the appointed wetland scientist members shall have practiced wetland science for at least 2 years prior to appointment and shall have held a wetland scientist position for at least 2 years prior to appointment.

III. Members shall be appointed for 3-year terms, except that no more than 2 appointed members' terms shall expire in any one calendar year. Appointments for terms of less than 3 years may be made in order to comply with this limitation. No appointed member shall be able to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 3-year term shall be deemed a full term. Upon expiration of a member's term, he shall serve

until his successor is qualified and appointed. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

IV. Members of the board shall be reimbursed for per diem and mileage at a rate set by the board.

V. The board shall hold at least 4 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given under rules adopted by the board pursuant to RSA 541-A. The board shall biennially elect or appoint a chair, vice-chair, and secretary. A quorum of the board consists of at least 3 members.

VI.(a) The board shall adopt an official seal. The board shall keep a record of its proceedings and a register of all applications for registration, which shall show the name and residence of each applicant, the date of application, the place of business of each applicant, the applicant's experience, education and other qualifications, whether or not an examination was required, whether the applicant was rejected and reasons therefor, whether a certificate was granted, the date of the action by the board, and such other information as the board deems necessary.

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

VII. The secretary of the board shall publish a roster listing the names and places of business of all wetland scientists certified by the board during February of each even-numbered year. Copies of this roster shall be mailed to each person so certified, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

VIII. Board members shall maintain records of all expenses incurred for per diem and mileage until such time when sufficient funds have been generated through application or renewal filing fees to offset these costs. At that time, board members may submit vouchers for reimbursement of costs incurred to administer the provisions of this subdivision.

310-A:124 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. Application procedures for obtaining a certificate to practice under this chapter, including all forms for application and renewal.

II. Qualifications of applicants in addition to the educational requirements under RSA 310-A:126.

III. How the applicant shall be examined, including the times and places of examinations.

IV. How certification to practice under this subdivision shall be renewed, including the requirement for continuing work experience and education.

V. The establishment of all fees required under this chapter.

VI. Ethical and professional standards required to be met by each holder of a certificate under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards.

VII. Criteria for revocation and suspension of a certification.

VIII. The information to be contained in certificates.

IX. Matters related to proper administration of this subdivision.

310-A:125 Additional Powers. The board shall have the power to subpoena witnesses and compel, by subpoena duces tecum, the production of books, papers and documents in a case involving the revocation or suspension of certification. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. Such subpoenas issued by any member of the board or by any justice of the peace shall have the same effect as though issued for appearance before the superior court.

310-A:126 Qualifications for Certification.

I. Applicants for certification as wetland scientists shall be of high ethical standards, have successfully passed an examination designed to determine proficiency and qualifications to engage in the practice of wetland science, and shall have one of the following additional qualifications:

(a) Be a graduate of an accredited college with a baccalaureate or graduate level degree, where the applicant successfully completed a minimum of 30 semester hours in multiple scientific disciplines including any 5 of the following disciplines: ecology, biology, zoology, botany, geology, pedology and hydrology and have a specific record of an additional 2 or more years' experience in the practice of wetland science; or

(b) Be a graduate of an accredited college with a baccalaureate level degree, where the applicant successfully completed a minimum of 20 semester hours in multiple scientific disciplines including any 4 of the following disciplines: ecology, biology, zoology, botany, geology, pedology and hydrology, and have a specific record of an additional 3 or more years' experience in the practice of wetland science; or

(c) Be a graduate of an accredited college with a baccalaureate level degree, and have a specific record of 4 or more years' experience in the practice of wetland science.

II. Experience in the practice of wetland science shall be of a grade and character that indicates to the board that the applicant is competent to practice as a wetland scientist. Experience shall be determined as follows:

(a) Actual wetland delineation, classification and evaluation experience conducted for scientific research or public or private interests, shall count as experience time and shall account for a minimum of one year of the experience requirement.

(b) Educational training shall not be considered as experience. Summer employment in the practice of wetland science shall be considered experience for the purpose of this section.

(c) The practice of wetland science shall be done under the direct supervision of a certified wetland scientist who will attest to the accuracy of the information generated.

(d) Teaching wetland delineation, wetland classification and wetland evaluation courses at an accredited college, university, or institution shall be considered as experience in the practice of wetland science.

(e) An advanced degree in a related field may be counted as one year of experience. Advanced degrees may account for no more than one year of experience.

III. Any candidate for certification as a wetland scientist who fails an examination may apply for re-examination upon payment of an additional fee as determined by the board under rules adopted pursuant to RSA 541-A, and shall be re-examined on the next regularly scheduled examination date. A candidate failing the examination 3

consecutive times shall be required to furnish evidence of additional experience, study or education credits acceptable to the board before being allowed to proceed with future examinations.

310-A:127 Waiver of Examination or Educational Requirements. From January 1, 1992, to December 31, 1992, any person who has engaged in the delineation of wetlands, as defined in this subdivision, for at least 2 years prior to December 31, 1992, may apply to the board for certification. Such applicants may be certified as follows:

I. Any applicant who meets the educational requirements under RSA 310-A:126, I(a), (b) or (c), and who can demonstrate a proficiency in the classification and evaluation of wetlands, as defined in this subdivision, shall be approved for certification by the board without examination. Proficiency shall be demonstrated through experience, as required under RSA 310-A:126, II(a), (b), (d), or (e), or by the successful completion of training through courses or seminars approved by the board.

II. Any applicant who does not meet the educational requirements under RSA 310-A:126, I(a), (b) or (c) shall be approved by the board after having successfully passed an examination designed to determine proficiency and qualifications to engage in the practice of wetland science.

310-A:128 Expiration and Renewal of Certification.

I. A certification shall expire at 12:00 midnight on December 31 biennially.

II. Certification may be renewed by written application prior to the expiration date, by payment of the prescribed renewal fee and by evidence of continued practice or study in wetland science according to standards adopted by the board. The secretary shall notify each certified wetland scientist at least one month prior to expiration of his certification.

III. Failure to remit the biennial renewal fee when due or provide sufficient documentation of continuing work or education in wetland science shall automatically cancel the certification. If properly renewed, a certification shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause. A person whose certification is cancelled for such failure may reinstate his certification by paying, within one year of cancellation, all fees due, plus a late fee as established by the board under rules adopted pursuant to RSA 541-A and sufficient documentation of continuing work or education in wetland science.

310-A:129 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person certified by the board has committed misconduct under paragraph II, and which specifies with sufficient documentation the ground for such complaint.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a certification to practice under this subdivision.

(b) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of wetland science.

(c) Unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the interest of persons relying on the professional expertise of the certified wetland scientist.



(d) The use of alcohol or other habit forming drugs in a manner which has rendered the person unfit to practice under this subdivision.

(e) Mental or physical incompetency to practice under this subdivision.

(f) Willful or repeated violation of the provisions of this subdivision.

(g) Suspension or revocation of a certification, similar to the one which was not reinstated.

III. The board may take disciplinary action in one or more of the following ways and notice of such action shall be provided to newspapers of general circulation in the area in which the certified person practices:

(a) By reprimand.

(b) By suspension, limitation, or restriction of certification for a period of up to 5 years.

(c) By revocation of certification.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he has been found deficient.

310-A:130 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to a hearing, all parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date of notice of a complaint received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

310-A:131 Violations; Penalty.

I. Any person shall be guilty of a misdemeanor if a natural person, or guilty of a felony in any other person who:

(a) Holds himself out or represents himself to be a certified wetland scientist.

(b) Practices or offers to practice wetland science in this state for others without certification pursuant to this subdivision.

(c) Represents or attempts to use the certification or seal of another.

(d) Gives any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a certification.

(e) Falsely impersonates any other certified wetland scientist.

(f) Attempts to use an expired or nonexistent or revoked certification or authorization.

(g) Violates any of the provisions of this subdivision.

II. Notwithstanding paragraph I, no person shall have been found to be in violation of this subdivision for 180 days from the effective date of this subdivision.

6 Original Appointments to Board.

I. The original wetland scientist members of the board shall be persons who have practiced wetland science for at least 3 years prior to the effective date of this act.

II. Of the original appointments made under RSA 310-A:123, I as inserted by section 5 of this act, one wetland scientist and the public member shall be appointed to one-year terms, one wetland scientist shall be appointed to a 2-year term and 2 wetland scientists shall be appointed to 3-year terms.

7 Legislation Relative to Joint Board of Engineers, Architects, Land Surveyors, Natural Scientists, Foresters, and Wetland Scientists. The house executive departments and administration committee shall study, review and make recommendations in the form of legislation to be introduced in the 1993 legislative session, regarding registration, certification and licensure for each of the professions within the joint board of engineers, architects, land surveyors, natural scientists, foresters, and wetland scientists. In addition, the committee shall study and review the profession of wetland science and any other professions which require registration, certification or licensure by the joint board and may make recommendations on those professions, including whether the profession of wetland science shall remain under the jurisdiction of the joint board.

8 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

(a) Adds wetland scientists to the joint board of engineers, architects, land surveyors, foresters, and natural scientists.

(b) Creates a new subdivision certifying wetland scientists.

(c) Establishes the board of wetland scientists.

(d) Establishes certification regulations and standards for persons who are employed as wetland scientists.

(e) Delineates the powers and duties of the board.

(f) Sets forth the qualifications for applicants seeking certification by the board and the procedures for suspension, revocation, reinstatement, or renewal of certification by the board.

(g) Grants rulemaking authority to the board to adopt rules relative to the provisions of this bill.

This bill also requires the house executive departments and administration committee to study, review and make recommendations in the form of legislation to be introduced in the 1993 legislative session, regarding registration, certification and licensure for each of the professions within the joint board of engineers, architects, land surveyors, natural scientists, foresters, and wetland scientists. In addition, the committee shall study and review the profession of wetland science and any other professions which require registration, certification or licensure by the joint board and may make recommendations on those professions, including whether the profession of wetland science shall remain under the jurisdiction of the joint board.

Reps. Roulston and Martin spoke in favor.

Rep. Goulet spoke against.

Rep. Ward spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

#### YEAS 123

#### NAYS 191

#### YEAS 123 BELKNAP

Hawkins, Robert S.  
Salatiello, Thomas B.

Maviglio, Steven R.  
Ziegra, Alice S.

Rosen, Ralph J.

#### CARROLL

Bradley, Jeb E.

Dickinson, Howard C.

Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.  
Hunt, John B.  
Pearson, Gertrude B.

Champagne, Richard L.  
Lynch, Margaret A.  
Young, David A.

Foster, Katherine D.  
Metzger, Katherine H.

**COOS**

Buckley, C. Fitzgerald  
Mayhew, Josephine

Coulombe, Henry W.

Hawkinson, Marie C.

**GRAFTON**

Arnesen, Deborah L.  
Dow, David  
Nordgren, Sharon L.  
Trelfa, Richard T.

Chambers, Mary P.  
Guest, Robert H.  
Stewart, Roger D.

Copenhaver, Marion L.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baker, George H., Sr.  
Bourque, Ann J.  
Cook, Valerie S.  
Dwyer, Patricia R.  
Ferguson, Charles  
Green, Scott E.  
Janas, Gregory  
Martin, Mary Ellen  
Nardi, Theodora P.  
Smith, Leonard A.  
Wright, George W.

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Cote, David E.  
Elliott, Larry G.  
Ferland, Arthur P.  
Haettenschwiller, Alphonse  
L'Heureux, Robert J.  
McDowell, James E.  
Rheault, Lillian I.  
Soucy, Donna M.

Andrews, Frederick B.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Donovan, Francis X.  
Fenton, James J.  
Gagnon, Eugene L.  
Hall, Betty B.  
Lefebvre, Roland J.  
Mercer, Robert S.  
Searles, Stanley N., Sr.  
White, John M.

**MERRIMACK**

Barberia, Richard A.  
Chandler, John P.  
Holmes, Mary C.  
Lewis, Mary Ann  
Soldati, Jennifer G.  
Whittemore, James A.

Braiterman, Thea  
Dunn, Miriam D.  
Jacobson, Alf E.  
Molner, Mary E.  
Trombly, Rick A.  
Yeaton, Charles B.

Chandler, Earle W.  
Hall, Douglas E.  
Johnson, Joyce M.  
Smith, Gerald R.  
Wallner, Mary Jane

**ROCKINGHAM**

Bell, Juanita L.  
Christie, Andrew, Jr.  
Connell, David R.  
Gage, Beverly A.  
Kane, Cecelia D.  
McGovern, Cynthia A.  
Roulston, Donald L.  
Tufts, Arthur  
Woods, Deborah L.

Buco, Stephen W.  
Clark, Martha Fuller  
Conroy, Janet M.  
Griebisch, Linda  
Lovejoy, Virginia K.  
Pantelakos, Laura C.  
Senter, Marilyn P.  
Vaughn, Charles L.

Caswell, Albert, Jr.  
Coffey, John J.  
Flanagan, Natalie S.  
Hynes, Carolyn E.  
McCain, William F.  
Parr, Ednappearl F.  
Syracusa, Anthony  
Wells, Henry E.

**STRAFFORD**

Gilmore, Gary R.  
Keans, Sandra B.  
Nehring, William H.  
Wheeler, Katherine W.

Hashem, Elaine M.  
Marston, Robert E.  
Spencer, Leo J.  
Young, John B.

Jankowski, Peter M.  
Merrill, Amanda A.  
Sullivan, Henry P.

**SULLIVAN**

Burling, Peter Hoe  
Krueger, Richard H.

Flint, Gordon B.  
Tetu, Michael A.

Harland, Jane A.  
Walsh, Robert R.

**NAYS 191****BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Shibley, Arnold P.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Turner, Robert H.

Cain, Thomas G.  
Golden, Paul A.  
Joscelyn, William W.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Beach, Mildred A.  
Foster, Robert W.

Chandler, Gene G.  
Jean, Robert R.

**CHESHIRE**

Clark, Eugene W.  
Feuer, Joseph N.  
Kingsbury, H. Thayer  
Perry, David M.

Cole, Kenneth A.  
Hogan, James B.  
Laurent, John J.

Cole, Stacey W.  
Kennison, Wayne A.  
Mohr, Frederick C., Jr.

**COOS**

Brungot, Catherine V.  
Marsh, Beaton  
Pratt, Leighton C.

Guay, Lawrence J.  
Merrill, Gerald P.  
Theriault, Romeo J.

Horton, Lynn C.  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Hill, Richard L.  
Lougee, Richard W.  
Wadsworth, Karen O.

Bean, Pamela B.  
Christy, C. Dana  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Ward, Kathleen W.

Brown, Channing T.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Shackett, Ralph E.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Asselin, Robert P.  
Carpenter, Karen A.  
Daniels, Gary L.  
Drabinowicz, A. Theresa  
Fields, Dennis H.  
Goulet, Maurice E.  
Hanselman, Gregory L.  
Hultgren, David D.  
Johnson, Lionel W.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lawrence, Eva M.  
Mason, Howard F.  
McRae, Karen K.  
Murphy, Robert E.  
Paquette, Rodolphe G.

Alukonis, David J.  
Buckley, Raymond  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Dyer, Merton S.  
Ford, Nancy M.  
Greenglass, Alan B.  
Healy, Walter F.  
Jasper, Shawn N.  
Keane, Cornelius J.  
King, Frank P.  
Larochelle, Roger B.  
Lawrence, Norman B.  
McCann, Bonnie Lou  
Messier, Irene M.  
Ouellette, Robert O.  
Pepino, Leo P.

Arnold, Barbara E.  
Calawa, Leon, Jr.  
Crotty, Edward J.  
Domaingue, Jacquelyn M.  
Emerton, Lawrence A.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Jean, Romeo W.  
Kelley, Dana F.  
Kurk, Neal M.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Peters, Stanley W.



Record, Alice B.  
Rodgers, G. Philip  
Stiles, Walter A.  
Upton, Barbara A.  
Wheeler, Robert L.

Reidy, Frank J.  
Rothhaus, Finlay C.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.

Riley, Frances L.  
Sallada, Roland A.  
Turgeon, Roland M.  
Wheeler, David K.

### MERRIMACK

Christie, Thomas J.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Johnson, C. William  
Lockwood, Robert A.  
Stapleton, Henry F.

Daneault, Gabriel J.  
Gilbreth, Robert M.  
Hayes, Robert C.  
Kidder, William F.  
Millard, Elizabeth S.  
Stio, Peter M.

Fair, Patricia A.  
Gross, Caroline L.  
Hill, Michael J.  
Letourneau, George E.  
Nichols, Avis B.  
Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
DiPietro, Carmela M.  
Flanders, John W., Sr.  
Hurst, Sharleene P.  
Katsakiores, Phyllis  
Magoon, Harold F.  
Melnick, Roy E.  
Raynowska, Bernard J.  
Schanda, Joseph, Sr.  
Smith, Arthur W.  
Thayer, Leroy C.  
Weyler, Kenneth L.

Benton, Richardson D.  
Chulack, Peter G., Sr.  
Dowd, Sandra K.  
Ford, Bert H.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Rosencrantz, James R.  
Seward, Russell G.  
Sytek, Donna P.  
Warburton, Calvin

Boucher, William P.  
Cote, Patricia L.  
Dube, LeRoy S.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
McKinney, Betsy  
Palazzo, Frank J.  
Rubin, George R.  
Simon, Peter M.  
Sytek, John J.  
Welch, David A.

### STRAFFORD

Corte, Arthur B.  
Foss, Patricia H.  
Kinney, Paula J.  
Torr, Ralph W.  
Wall, Janet G.

Douglass, Clyde J.  
Hambrick, Patricia A.  
O'Brien, John  
Tsiros, William

Flynn, Edward J.  
Kincaid, William K.  
Torr, Ann M.  
Vincent, Francis C.

### SULLIVAN

Behrens, Thomas A.  
Middleton, John A.  
Schotanus, Merle W.

Domini, Irene C.  
Peyron, Fredrik

Lindblade, Eric N.  
Rodeschin, Beverly T.

and the floor amendment failed.

Rep. Malcolm notified the Clerk that he wished to be recorded in opposition to the floor amendment.

Report adopted.

Ordered to third reading.

### SPECIAL ORDERS

Without objection, the Speaker made **HB 527-FN-A** and **HB 599-FN** Special Orders for January 23.

**HB 778-FN**, relative to the laws against discrimination. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary E. Molner for State Institutions and Housing: The intent of House Bill 778 is to amend RSA 354-A to become substantially equivalent to federal fair housing law. Protection against discrimination for families with children has been included. Regulations prohibiting sexual harassment and discrimination against pregnant women are codified. Vote 9-1.

4280L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Law Against Discrimination; Familial Status Category Added. RSA 354-A is repealed and reenacted to read as follows:

### CHAPTER 354-A

### STATE COMMISSION FOR HUMAN RIGHTS

354-A:1 Title and Purposes of Chapter. This chapter shall be known as the "Law Against Discrimination." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights. The general court hereby finds and declares that practices of discrimination against any of its inhabitants because of age, sex, race, creed, color, marital status, familial status, physical or mental disability or national origin are a matter of state concern, that such discrimination not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. A state agency is hereby created with power to eliminate and prevent discrimination in employment, in places of public accommodation and in housing accommodations because of age, sex, race, creed, color, marital status, familial status, physical or mental disability or national origin as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

354-A:2 Definitions. In this chapter:

I. "Commercial structure" means any building, structure, or portion thereof which is continuously or intermittently occupied or intended for occupancy by a commercial or recreational enterprise, whether operated for profit or not, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

II. "Commission," unless a different meaning clearly appears from the context, means the state commission for human rights created by this chapter.

III. "Covered multifamily dwellings" means:

(a) Buildings consisting of 4 or more units if such buildings have one or more elevators; and

(b) Ground floor units in other buildings consisting of 4 or more units.

IV. "Disability" means, with respect to a person:

(a) A physical or mental impairment which substantially limits one or more of such person's major life activities;

(b) A record of having such an impairment; or

(c) Being regarded as having such an impairment.

Provided, that "disability" does not include current, illegal use of or addiction to a controlled substance as defined in the Controlled Substances Act 21 U.S.C. 802 sec. 102.

V. "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

VI. "Employee" does not include any individual employed by his parent, spouse or child, or any individual in the domestic service of any person.

VII. "Employer" does not include a club exclusively social, or a fraternal, charitable, educational or religious association or corporation, if such club, association or corporation is not organized for private profit, nor does it include any employer with fewer than 6 persons in his employ, but shall include the state and all political subdivisions, boards, departments and commissions thereof.

VIII. "Employment agency" includes any person undertaking to procure employees or opportunities to work.

IX. "Familial status" means one or more individuals, who have not attained the age of 18 years of age, and are domiciled with

(a) A parent or another person having legal custody of such individual or individuals; or

(b) The designee of such parent or other person having such custody, with the written permission of such parent or other person. "Familial status" also means any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

X. "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

XI. "Multiple dwelling" means 2 or more dwellings, as defined in paragraph V, occupied by families living independently of each other.

XII. "National origin" includes ancestry.

XIII. "Person" includes one or more individuals, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, trustees in bankruptcy, receivers, and the state and all political subdivisions, boards, and commissions thereof.

XIV. "Place of public accommodation" includes any inn, tavern or hotel, whether conducted for entertainment, the housing or lodging of transient guests, or for the benefit, use or accommodations of those seeking health, recreation or rest, any restaurant, eating house, public conveyance on land or water, bathhouse, barbershop, theater, golf course, sports arena, health care provider, and music or other public hall, store or other establishment which caters or offers its services or facilities or goods to the general public. "Public accommodation" shall not include any institution or club which is in its nature distinctly private.

XV. "Unlawful discriminatory practice" includes:

(a) Practices prohibited by RSA 354-A;

(b) Practices prohibited by the federal Civil Rights Act of 1964, as amended (PL 88-352);

(c) Practices prohibited by Title VII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601-3619);

(d) Aiding, abetting, inciting, compelling or coercing another or attempting to aid, abet, incite, compel or coerce another to commit an unlawful discriminatory practice or obstructing or preventing any person from complying with this chapter or any order issued under the authority of this chapter.

354-A:3 State Commission for Human Rights.

I. There is hereby created a commission to be known as the New Hampshire commission for human rights. Such commission shall consist of 5 members, who shall be appointed by the governor, with the consent of the council, and one of whom shall be designated as chair by the governor. The term of office of each member of the commission shall be for 5 years; provided, however, that, of the commissioners first appointed, one shall be appointed for a term of one year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and one for a term of 5 years.

II. Any member chosen to fill a vacancy occurring otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Three members of the commission shall constitute a quorum for the purpose of conducting the commission's business. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission. Each member of the commission shall be entitled to his expenses actually and necessarily incurred by him in the performance of his duties.

III. Any member of the commission may be removed by the governor and council for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard.

354-A:4 General Powers and Duties of the Chairman. The chair shall serve as the chief executive officer of the commission. The chair shall promote the efficient transaction of its business and the orderly handling of complaints and other matters before the commission. The chair shall designate commissioners to investigate and commissioners to hold hearings pursuant to RSA 354-A:21 and shall fix the times and places of public hearings. In the event of the chair's absence or inability to act, the vice-chair or if no vice-chair has been designated, a commissioner designated by the chair shall act in the chair's stead. Otherwise a commissioner shall be designated by the governor to act as chair.

354-A:7 General Powers and Duties of the Commission; Immunity. The commission shall have the following functions, powers and duties:

I. To establish and maintain its principal office in the city of Concord, and such other offices within the state as it may deem necessary.

II. To meet and function any place within the state.

III. To appoint such attorneys, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

IV. To obtain upon request and utilize the services of all governmental departments and agencies.

V. To adopt rules, under RSA 541-A suitable to carry out the provisions of this chapter, and the policies and practice of the commission in connection therewith.

VI. To receive, investigate and pass upon complaints alleging violations of this chapter.

VII. To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of persons under oath, and, in connection therewith, require the production for examination of any books or papers relating to any matter under investigation or in question before the commission. The commission may make rules



as to the issuance of subpoenas by individual commissioners. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

VIII. To create such advisory agencies and conciliation councils, local, regional or statewide, as in its judgment will aid in effectuating the purpose of this chapter, and the commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination, because of age, sex, race, color, marital status, familial status, or physical or mental disability, religious creed or national origin, in order to foster, through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the population of the state, and make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the commission may make provision for technical clerical assistance to such agencies and councils and for the expenses of such assistance.

IX. To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of age, sex, race, color, marital status, familial status, physical or mental disability, religious creed or national origin.

X. To render biennially to the governor and council a full written report of its activities and of its recommendations.

XI. To adopt an official seal.

XII. To accept and utilize for its purposes, functions and duties as set forth in this chapter public and private grants, gifts, donations and contributions of money and other assets and properties, real and personal, of all types and kinds, without limitations.

XIII. To formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers or its political subdivisions in aid of such policies and purposes.

XIV. To utilize the services of the department of justice to obtain injunctive relief in state and federal courts.

#### Equal Employment Opportunity

354-A:6 Opportunity for Employment Without Discrimination a Civil Right. The opportunity to obtain employment without discrimination because of age, sex, race, creed, color, marital status, physical or mental disability or national origin is hereby recognized and declared to be a civil right.

354-A:7 Unlawful Discriminatory Practices. It shall be an unlawful discriminatory practice:

I. For an employer, because of the age, sex, race, color, marital status, physical or mental disability, religious creed, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification.

II. For a labor organization, because of the age, sex, race, color, marital status, physical or mental disability, creed, or national origin of any individual, to exclude from full membership rights or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless based upon a bona fide occupational qualification.

III. For any employer or employment agency to print or circulate or to cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, sex, race, color, marital status, physical or mental disability, religious creed or national origin or any intent to make any such limitation, specification or discrimination in any way on the ground of age, sex, race, color, marital status, physical or mental disability, religious creed or national origin, unless based upon a bona fide occupational qualification; provided, however, that nothing in this chapter shall limit an employer after the offer of hire of an individual from inquiring into and keeping records of any existing or pre-existing physical or mental conditions.

IV. For any employee to be required, as a condition of employment, to retire upon or before reaching a specified predetermined chronological age, or after completion of a specified number of years of service unless such employee was elected or appointed for a specified term or required to retire pursuant to Pt. II, Art. 78 of the constitution of New Hampshire. It shall not be unlawful for an employer to:

(a) Establish a normal retirement age, based on chronological age or length of service or both, which may be used to govern eligibility for and accrual of pension or other retirement benefits; provided that such normal retirement age shall not be used to justify retirement of or failure to hire any individual; or

(b) Require any individual employee to retire on the basis of a finding that the employee can no longer meet such bona fide, reasonable standards of job performance as the employer may have established.

V. Harassment on the basis of sex constitutes unlawful sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature constitutes sexual harassment when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(c) Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

VI.(a) For the purposes of this chapter, the word "sex" includes pregnancy and medical conditions which result from pregnancy.

(b) An employer shall permit a female employee to take leave or absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. When the employee is physically able to return to work, her

original job or a comparable position shall be made available to her by the employer unless business necessity makes this impossible or unreasonable.

(c) For all other employment related purposes, including receipt of benefits under fringe benefit programs, pregnancy, childbirth, and related medical conditions shall be considered temporary disabilities, and a female employee affected by pregnancy, childbirth, or related medical conditions shall be treated in the same manner as any employee affected by any other temporary disability.

#### Fair Housing

354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to obtain housing without discrimination because of age, sex, race, creed, color, marital status, familial status, physical or mental disability or national origin is hereby recognized and declared a civil right.

354-A:9 Definitions. For the purposes of this subdivision:

I. "Business of selling or renting dwellings" means:

(a) Participation, within the preceding 12 months, as principal in 3 or more transactions involving the sale or rental of any dwelling or commercial structure or any interest therein;

(b) Participation, within the preceding 12 months, as agent, other than in the sale of one's own personal residence, in providing sales or rental facilities or sales or rental services in 2 or more transactions involving the sale or rental of any dwelling or commercial structure or any interest therein; or

(c) Ownership of any dwelling designed or intended for occupancy by, or occupied by, 3 or more families.

II. "Residential real estate-related transaction" means any of the following:

(a) The making or purchasing of loans secured by residential real estate or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling.

(b) The selling, brokering, or appraising of residential real property.

354-A:10 For any person, being the owner, lessee, sublessee, assignee, managing agent or other person having the right to rent or lease a dwelling or commercial structure or being in the business of selling or renting dwellings or commercial structures:

I. To refuse to sell or rent after the receipt of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or commercial structure to any person because of age, sex, race, color, marital status, familial status, physical or mental disability, religion or national origin.

II. To discriminate against any person in the terms, conditions, or privilege of sale or rental of a dwelling or commercial structure, or in the provision of services or facilities in connection therewith, because of age, sex, race, color, marital status, familial status, physical or mental disability, religion or national origin.

III. To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling or commercial structure that indicates any preference, limitation, or discrimination based on age, sex, race, color, marital status, familial status, physical or mental disability, religion or national origin, or an intention to make any such preference, limitation or discrimination.

IV. To represent to any person because of age, sex, race, color, marital status, familial status, physical or mental disability, religion or national origin that any dwell-

ing or commercial structure is not available for inspection, sale, or rental when such dwelling is in fact so available.

V. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular age, sex, race, color, marital status, familial status, physical or mental disability, religion or national origin.

VI. To evict a tenant solely on the grounds that the person has acquired immune deficiency syndrome (AIDS) or is regarded to have acquired immune deficiency syndrome.

VII. For any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, disability, familial status, marital status, or national origin.

354-A:11 Interference, Coercion or Intimidation. It shall be an unlawful discriminatory act to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

354-A:12 Unlawful Housing; Discrimination on the Basis of Disability. It shall be unlawful:

I. To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of:

(a) That buyer or renter.

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available.

(c) Any person associated with that buyer or renter.

II. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:

(a) That buyer or renter.

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available.

(c) Any person associated with that person.

III. For purposes of this section, discrimination includes:

(a) A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(b) A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

(c) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwelling in such a manner that:

(1) The public use and common use portions of such dwellings are readily accessible to and usable by persons with disabilities;



(2) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

(3) All premises within such dwellings contain the features of adaptive design, including: an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; reinforcements in bathroom walls to allow later installation of grab bars; and usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

IV. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of subparagraph III(c)(3).

V. Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety or other individuals or whose tenancy would result in substantial physical damage to the property of others.

#### 354-A:13 Exemptions.

I. The provisions relating to unlawful housing discrimination shall not apply:

(a) To the sale or rental of any single-family house sold or rented by the owner, if such owner does not own more than one such single-family houses at any one time, if such house is sold or rented:

(1) Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(2) Without the publication, posting or mailing, after notice, of any advertising or written notice in violation of RSA 354-A:10, III above; but nothing in this paragraph shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other such professional assistance as necessary to perfect or transfer the title; or

(b) To the rental of a housing accommodation in a building which contains housing accommodations for not more than 3 families living independently of each other, if the owner or members of his family reside in one of such housing accommodations; or

(c) To the rental of a room or rooms in a housing accommodation with not more than 5 such rooms, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in such housing accommodation.

II. Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

III. Nothing in this chapter shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the

rental or occupancy of such lodgings to its members or from giving preference to its members.

354-A:14 Number of Occupants. Nothing in this chapter limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

354-A:15 Housing for Older Persons. No provisions in this chapter regarding familial status applies with respect to housing for older persons. Housing for older persons means housing:

I. Provided under any state or federal program that the United States Secretary of the Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons as defined in the state or federal program;

II. Intended for, and solely occupied by, persons 62 years of age or older; or

III. Intended and operated for occupancy by at least one person 55 years or older per unit.

IV. In determining whether housing qualifies as housing for older persons, the commission shall adopt rules which require at least the following factors:

(a) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and service is not practicable, that such housing is necessary to provide important housing opportunities for older persons;

(b) That at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(c) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

V. Housing shall not fail to meet the requirements for housing for older persons by reason of:

(a) Persons residing in such housing as of September 13, 1988, who do not meet the age requirements of paragraphs II or III, provided, that new occupants of such housing meet the age requirements of paragraph II or III.

(b) Unoccupied units, provided, that such units are reserved for occupancy by persons who meet the age requirements of paragraph II or III.

#### Public Accommodations

354-A:16 Equal Access to Public Accommodations. The opportunity for every individual to have equal access to places of public accommodation without discrimination because of age, sex, race, creed, color, marital status, physical or mental disability or national origin is hereby recognized and declared to be a civil right.

354-A:17 Unlawful Discriminatory Practices in Public Accommodations. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, because of the age, sex, race, creed, color, marital status, physical or mental disability or national origin of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof; or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of age, sex,

race, creed, color, marital status, physical or mental disability or national origin; or that the patronage or custom thereof of any person belonging to or purporting to be of any particular age, sex, race, creed, color, marital status, physical or mental disability or national origin is unwelcome, objectionable or acceptable, desired or solicited.

#### Exemption

354-A:18 Exemption for Religious Organizations. Nothing contained in this chapter shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

#### Records

354-A:19 Retaliation and Required Records. It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to discharge, expel, or otherwise retaliate or discriminate against any person because he has opposed any practices forbidden under this chapter or because he has filed a complaint, testified or assisted in any proceeding under this chapter.

354-A:20 Required Records. It shall not be an unlawful discriminatory practice to record any data required by law, or by the rules and regulations of any state or federal agency, provided such records are kept in good faith for the purpose of complying with law, and are not used for the purpose of discrimination in violation of this chapter.

#### Complaint Procedures and Review

##### 354-A:21 Procedure on Complaints.

I.(a) Any person claiming to be aggrieved by an unlawful discriminatory practice may make, sign and file with the commission a verified complaint in writing which shall state the name and address of the person, employer, labor organization, employment agency or public accommodation alleged to have committed the unlawful discriminatory practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The attorney general or one of the commissioners may, in like manner, make, sign, and file such complaint.

(b) In connection with the filing of such complaint, the attorney general is authorized to take proof, issue subpoenas and administer oaths in the manner provided in the civil practice law and rules. Any employer whose employees, or some of them, refuse or threaten to refuse to cooperate with the provisions of this chapter, may file with the commission a verified complaint asking for assistance by conciliation or other remedial action.

II.(a) After the filing of any complaint, one of the commissioners designated by the chair shall make, with the assistance of the commission's staff, prompt investigation in connection therewith; during the course of the investigation, the commission shall encourage the parties to resolve their differences through settlement negotiations; and if such commissioner shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, the commissioner shall immediately endeavor to eliminate the unlawful discriminatory practice complained of by conference, conciliation and persuasion. The members of the commission and

its staff shall not disclose what has occurred in the course of such endeavors, provided that the commission may publish the facts in the case of any complaint which has been dismissed, and the terms of conciliation when the complaint has been so disposed of.

(b) In case of failure to eliminate an unlawful discriminatory practice complained of, or in advance thereof, if, in the judgment of the commissioner making the investigation, circumstances so warrant, the commissioner shall cause to be issued and served in the name of the commission, a written notice, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization or employment agency named in such complaint, hereinafter referred to as respondent, to answer charges of such complaint at a hearing before one or more members of the commission, designated by the chair and sitting as the commission, at a time and place to be fixed by the chair and specified in such notice. The place of any such hearing shall be the office of the commission or such other place as may be designated by it.

(c) The case in support of the complaint shall be presented before the commission by one of its attorneys or agents, and the commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearing except as a witness, nor shall he participate in the subsequent deliberation of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence. The respondent shall file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. In the discretion of the commission, the complainant may be allowed to intervene and present testimony in person or by counsel. The commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and transcribed at the request of any party. The cost of transcription shall be borne by the party requesting the transcript.

(d) If, upon all the evidence at the hearing, the commission shall find that a respondent has engaged in any unlawful discriminatory practice as defined in this chapter, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such affirmative action, including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, restoration to membership in any respondent labor organization, or the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons, as in the judgment of the commission, will effectuate the purpose of this chapter and including a requirement for report of the manner of compliance. Such cease and desist orders for affirmative relief may be issued to operate prospectively.

(e) When issuing an order awarding back pay, the commission shall calculate the back pay award by determining the amount the complainant would have earned but for the unlawful discriminatory practice. The commission shall subtract from that amount any unemployment compensation or interim earnings received by the complainant for the time period covered by the back pay award.

(f) If upon all the evidence the commission shall find that a respondent has not engaged in any such unlawful discriminatory practice, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. A copy of its order shall be



delivered in all cases to the attorney general, and such other public officers as the commission deems relevant or proper. The commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder.

III. Any complaint filed pursuant to this section by an aggrieved person must be filed within 180 days after the alleged act of discrimination. Any complaint filed pursuant to this section by the attorney general or one of the commissioners must be so filed within 180 days after the alleged unlawful discriminatory practice.

IV. In administering this section, the commission shall be exempt from the provisions of RSA 541-A:14, II, but shall act on all matters before it under this section in as expeditious a manner as the law permits.

#### 354-A:22 Judicial Review and Enforcement.

I. Any complainant, respondent or other person aggrieved by such order of the commission may obtain judicial review of the order, and the commission may obtain an order of court for its enforcement, in a proceeding as provided in this section. Such proceeding shall be brought in the superior court of the state within any county in which the unlawful practice which is the subject of the commission's order occurs or in which any person required in the order to cease and desist from an unlawful practice or to take other affirmative action resides or transacts business.

II. Such proceeding shall be initiated by the filing of a petition in such court, together with a written transcript of the record upon the hearing before the commission, and issuance and service of an order of notice as in proceedings in equity. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony and proceedings set forth in such transcript an order or decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the commission, with full power to issue injunctions against any respondent and to punish for contempt of court. No objection that has not been urged before the commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

III. Any party may move the court to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided he shows reasonable grounds for the failure to adduce such evidence before the commission. The findings of the commission as to the facts shall be conclusive if supported by sufficient evidence on the record considered as a whole. All such proceedings shall be heard and determined by the court as expeditiously as possible and shall take precedence over all other matters before it, except matters of like nature. The jurisdiction of the superior court shall be exclusive and its final order or decree shall be subject to review by the supreme court in the same manner and form and with the same effect as in appeals from a final order or decree in proceedings in equity.

IV. The commission's copy of the testimony shall be available at all reasonable times to all parties for examination and for the purposes of judicial review of the order of the commission. The review shall be heard on the record without requirement of printing. The commission may appear in court by one of its attorneys. A proceeding under this section when instituted by any complainant, respondent or other person aggrieved must be instituted within 30 days after the service of the order of the commission.

## Miscellaneous Provisions

354-A:23 Posting of Commission Notices. Every person, employer, employment agency, labor union, real estate agency and rental office subject to this chapter shall post in a conspicuous place or places on his premises a notice to be prepared or approved by the commission, which shall set forth excerpts of this chapter and such other relevant information which the commission deems necessary to explain the chapter. Any employer, employment agency, real estate agency, rental office or labor union refusing to comply with the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

354-A:24 Criminal Penalty. Any person, employer, labor organization or employment agency, who or which shall willfully resist, prevent, impede or interfere with the commission or any of its members or representatives in the performance of duty under RSA 354-A, or shall willfully violate an order of the commission, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Procedure for the review of the order shall not be deemed to be such willfull conduct.

354-A:25 Construction. No provision of this chapter shall be deemed to supersede any other provision of law for the protection of minors or for the regulation of the employment of minors. The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or any other law of this state relating to discrimination because of age, sex, race, creed, color, marital status, physical or mental disability or national origin; but, as to acts declared unlawful by this chapter the procedure provided in this chapter shall, while pending, be exclusive and the final determination therein shall exclude any other action, civil or criminal, based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this chapter, such person may not subsequently resort to the procedure in this chapter, provided, however, that nothing in this section shall prevent any individual from applying for or receiving unemployment compensation while the procedure provided for in this chapter is pending or after the procedure provided in this chapter has been concluded. This section shall not prevent the commission for human rights from investigating and acting upon a complaint of discrimination when the complainant has also filed a claim for unemployment compensation in which the issue of illegal discrimination is raised.

354-A:26 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

2 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill reorganizes RSA 354-A.

This bill prohibits discrimination based on familial status in regard to fair housing. This bill also prohibits unlawful housing discriminatory practices, and sexual harassment.

This bill requires employers to make reasonable accommodation to handicapped applicants and employees.

This bill also permits settlement attempts during the investigative phase and reduces the number of commissioners necessary to conduct a hearing from 3 to one.

This bill was requested by the state commission for human rights.

Rep. Tufts yielded to questions.

Rep. Kurk: Does HB 778 create any new civil rights protection, or take away any protections which currently exist?

Rep. Tufts: No. The experts who helped us with the work sessions on this bill assured us that it does not change any of the factors that are currently in the bill, either adding or subtracting.

Adopted.

Report adopted.

Ordered to third reading.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet January 23 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 404-FN**, requiring the introduction of legislation in the 1993 session relative to the joint board of engineers, architects, land surveyors, foresters and natural scientists.

**HB 778-FN**, relative to the laws against discrimination.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolled bills reports only.

Adopted.

The House recessed at 5:35 p.m.

### RECESS

Rep. Stacey Cole moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 5

Thursday, January 23, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O merciful God, blessed are you. Both the infant's cry and the human quest for dignity and equality are signs of Your life in the midst of our world.

Forgive us those times when we overlooked the invitations to wonder and partnership which You placed in our paths.

And help us to trust those stirrings of Your Spirit by which You reveal Your will and encourage our thirst for justice. Amen.

Rep. Valerie Cook led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. McKinney, Richard Campbell, Anderson, Stewart, Nelson, Kilbride, Terninko, Morse, Irene Pratt, Feuerstein, Jacobson, Simon and Annette Cooke, the day, illness.

Reps. Lovejoy, Marilyn Campbell, Sawyer, Peters, Theriault, Chulack, Bickford, Palazzo, Asplund, Musler, DePecol, William McCann, MacKinnon, Harland, Joyce Johnson, Stamatakis, Hynes and Dwyer, the day, important business.

Reps. Golden and Hayes, the day, death in the family.

Reps. Nehring, Emma Dodge, Braiterman, Appleby, O'Rourke, Doucette and Holmes, the day illness in the family.

Reps. Molner, Peyron, Crutchley, Clemons and Hambrick, the day, inclement weather.

### INTRODUCTION OF GUESTS

Jean Stephenson, niece of Rep. Ziegler.

### HOUSE RESOLUTION NO. 57

honoring Charles B. Roberts of Laconia on his 100th birthday

WHEREAS, having been born on the twentieth day of January in the Year of Our Lord, Eighteen Hundred and Ninety-Two, Charles B. Roberts has lived one hundred fruitful years, during which time he has made innumerable friends, imparting to all the warmth and felicity of a true gentleman, and

WHEREAS, having been born in Ladywood Parish of Birmingham, England, Charles B. Roberts, as a young man, emigrated to the United States, following his matriculation at Josiah Mason College, and

WHEREAS, Charles Roberts enjoyed a multifaceted career as an engineer, inventor, businessman, lecturer and public office holder in the states of New York, Massachusetts and New Hampshire, and

WHEREAS, at the time of one of his several "retirements," his active participation in Republican Party activities in all three states led him to successfully seek election to the New Hampshire House of Representatives, and

WHEREAS, on being chosen by the voters of Sanbornton and Tilton, Charles B. Roberts did serve three terms in the New Hampshire House, commencing in Nineteen Sixty-Nine, serving with distinction on the Committees on Education, Executive De-



partments and Administration, and Resolutions and Screening, all after he had reached his seventy-fifth birthday, and

WHEREAS, during his productive lifetime, Charles B. Roberts has been an energetic, independent and caring person always willing to extend a helping hand whenever it was needed as witnessed by his active participation in senior citizen and community events, now therefore be it

RESOLVED, by the House of Representatives in Regular session convened, that Charles B. Roberts, on this occasion marking his one hundredth birthday, be extended warm and hearty best wishes, and be it further

RESOLVED, that Charles B. Roberts be congratulated for his exemplary and productive one hundred years as an outstanding citizen, and that a suitable copy of this Resolution be prepared for presentation to him.

Adopted.

### EXTENSIONS

The Committee on Constitutional and Statutory Revision requested a 14-calendar-day extension on **HB 545**, reapportioning the executive council districts.

Granted.

The Committee on Constitutional and Statutory Revision requested a 14-calendar-day extension on **HB 569**, to reapportion county commissioner districts.

Granted.

The Committee on Constitutional and Statutory Revision requested a 14-calendar-day extension on **HB 591**, reapportioning the state house of representatives districts.

Granted.

The Committee on Appropriations requested a seven-calendar day extension on **HB 695-FN**, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks.

Granted.

The Committee on Appropriations requested a seven-calendar day extension on **SB 172-FN-A**, establishing a committee to study the board and care rates for residents of enhanced family care facilities.

Granted.

### NOTICE OF RECONSIDERATION

Having voted with the prevailing side, Rep. Kenneth Cole served notice that today, January 23, 1992, or some subsequent day as limited by the rules he will move that the House reconsider its action whereby it read a third time and passed **HB 404-FN**, requiring the introduction of legislation in the 1993 session relative to the joint board of engineers, architects, land surveyors, foresters and natural scientists.

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Michael Hill moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**HB 504-FN**, requiring licensure of medical utilization review entities. (A) OUGHT TO PASS.

Rep. Elizabeth Hager for Appropriations: At the public hearing and in written communication from the department it became clear that this bill has no fiscal im-

pact. The Committee is therefore returning it immediately to the House for passage to the Senate. Vote 19-0.

**HB 783**, relative to motor vehicle records and DWI convictions and establishing new positions within the division of public health services. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. Elizabeth Hager for Appropriations: The body of this bill has no fiscal impact and so the committee is immediately returning the bill to the House. The amendment removes an unrelated section of the bill which does have fiscal impact; it will be considered with the supplemental budget. Vote 15-0.

4510L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to motor vehicle records and DWI convictions.

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect 30 days after its passage.

#### AMENDED ANALYSIS

This bill requires the prosecutor, upon a DWI conviction, to provide the trial judge with a copy of the defendant's record of motor vehicle convictions. The court is required to note on the complaint the number of prior DWI convictions of the defendant or the absence of any such prior convictions.

**HB 1270**, prohibiting a person from using another person's registered trade name. INEXPEDIENT TO LEGISLATE.

Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs: The current procedures of the Secretary of State are very effective. Making an infraction a criminal penalty versus the current civil penalty, would cause an increased case load in the court system. Testimony was all in opposition indicating the current law is working very effectively. There was no testimony supporting the bill. Vote 12-0.

**HB 1318-FN**, repealing a provision of the business corporations act concerning application for reinstatement of charters and relative to the annual reports of beverage vendors and beverage vendor importers. OUGHT TO PASS.

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill removes an exemption for beverage vendors and beverage vendor importers to file annual reports with the Secretary of State. This bill also corrects an oversight in previous legislation dealing with the reinstatement of charters which have lapsed. The Fiscal Note increases state revenues by \$6,000 in FY 1993. Vote 13-0.

**HB 1177**, authorizing towns and cities to abate property taxes on property used for educational purposes. INEXPEDIENT TO LEGISLATE

Rep. Kenneth L. Weyler for Municipal and County Government: This bill was apparently prompted by the Epsom plan for school choice. All testimony dealt with choice in education. The bill, as written, did not make clear the sponsor's intent nor did an offered revision appear to clearly address educational choice. Vote 16-0.

**HB 1193-L**, exempting disabled and elderly property taxpayers from paying the school tax portion of property taxes. INEXPEDIENT TO LEGISLATE

Rep. Fredrik Peyron for Municipal and County Government: This bill was put in for a constituent and although the intent is admirable, the sponsor was dissatisfied

with the way the wording came out. The constituent had left the area and could not testify to the bill and clarify same. Vote 13-0.

**HB 1224-FN-L**, relative to the fees charged for copies of vital records. INEXPEDIENT TO LEGISLATE

Rep. Katherine H. Metzger for Municipal and County Government: All of the testimony on this bill was negative. HB 726, passed earlier this session, more clearly addresses the fees concerned in this bill and allows the continuation of the ability to implement the automation system. Vote 15-0.

**HB 1410-FN-L**, requiring the party requesting an abatement to reimburse the board of tax and land appeals for the costs of reappraisal and investigations for abatement when the original appraisal is found to be correct. INEXPEDIENT TO LEGISLATE

Rep. Richard T. Trelfa for Municipal and County Government: The committee felt HB 1410-FN-L would have a number of undesirable side effects including discouraging taxpayers from appealing other than major perceived errors of assessment, and encouraging litigation through lack of definition of "correct." Also, existing statutes permit levying of costs of reassessment for "frivolous" appeals. Vote 16-0.

**HB 1477-FN-L**, allowing property tax refunds on homesteads when a person's taxes exceed a certain percentage of the person's income. INEXPEDIENT TO LEGISLATE

Rep. David M. Perry for Municipal and County Government: HB 1477-FN-L attempts to level out the real estate tax burden. However, as drafted, it could grant exemptions to the majority of the taxpayers of the state. The cost of this bill, if enacted, might exceed \$100,000,000. There is no provision for funding the exemption or for the overhead cost for the Department of Revenue Administration, or for costs to local communities. Vote 17-0.

**HB 1150-FN-L**, relative to requiring peace officers to use belt-style handcuffs. INEXPEDIENT TO LEGISLATE.

Rep. Frances L. Riley for Public Protection and Veterans Affairs: The Committee strongly felt that each police department should have the option of selecting and using handcuffs in which peace officers have confidence and which are readily available on the peace officers' "equipment belt." Further, the state cannot mandate the purchase of special items of equipment by the local police departments. Vote 15-0.

**HB 1280-FN**, relative to prescription copayments by New Hampshire veterans with service-connected disabilities. INEXPEDIENT TO LEGISLATE.

Rep. Frances L. Riley for Public Protection and Veterans Affairs: It is the responsibility of the Federal Government to provide pharmacy items to veterans with certain disabilities. It is inappropriate for Federal shortfalls for prescription items to be made up from New Hampshire state appropriations, as this could lead to sharing the cost of more expensive items of equipment. Additionally, the budget of the State Veterans Council has been substantially reduced, and could not fund even a small portion of the estimated cost of \$100,000 per year to cover the Federal shortfall. This Committee will sponsor a resolution to the New Hampshire Congressional Delegation and to the Secretary of the Department of Veterans Affairs, urging that the "Federal Government restore full funding for prescription items." Vote 15-0.

**HB 1406**, relative to prohibiting legally blind persons from carrying a loaded pistol or revolver. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald P. Pageotte for Public Protection and Veterans Affairs: RSA 159:6 specifically assigns to the Selectman or to the Chief of Police of a city or town the authority to make a determination as to the suitability of each applicant to be granted a permit to carry a concealed, loaded handgun. The authority of municipal officials to exercise sound judgment on applications from local residents should not be taken over by legislative mandate. Vote 15-0.

**HB 1467-FN**, requiring criminal history record checks for sales of firearms by dealers using a toll-free telephone number. **REFER FOR INTERIM STUDY.**

Rep. Robert J. Daly, Jr. for Public Protection and Veterans Affairs: This legislation has merit but requires additional study and input from appropriate state agencies and the New Hampshire business activities which deal in firearms. Vote 11-0.

**HB 1160-FN-A**, allowing wine retailers to sell liquor. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas A. Behrens for Regulated Revenues: The passage of HB 1160 would create 1500-2000 private liquor stores. The Committee has studied at length the issue of privatization and as recently as this summer, rejected this concept. The Liquor Commission's continued retail sales growth and their own testing of agency stores led the Committee to reject this proposal by a vote of 12-0.

**HB 1457-FN**, limiting the display of tobacco products. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. Rosencrantz for Regulated Revenues: The advertising and promotion of tobacco products is controlled by federal law under Federal Cigarette Labeling and Advertising Act, which prohibits the states from the restrictions being sought by the terms of this bill. The Committee also felt it was up to the owner of the store to make merchandising decisions on how to display products. Vote 11-0.

### SPECIAL ORDERS

**HB 527-FN-A**, licensing speech-language pathologists and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen W. Ward for Executive Departments and Administration: This legislation proposed licensing speech-language pathologists. The Committee found no public harm with the present certification administered by the Department of Education. The oversight of this profession in a medical setting is provided through a doctor's office and/or a hospital from whence they practice. Vote 9-5.

Rep. Copenhagen moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Reps. Goulet, Gosselin and Ward spoke against and yielded to questions.

Reps. Ferguson and Dunn spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 182**

**NAYS 128**

**YEAS 182  
BELKNAP**

Accornero, Harry  
Maviglio, Steven R.  
Vogler, Charles C.

Cain, Thomas G.  
Rosen, Ralph J.  
Ziegler, Alice S.

Hawkins, Robert S.  
Turner, Robert H.



**CARROLL**

Bradley, Jeb E.	Daly, Robert J., Jr.	Dickinson, Howard C.
Foster, Robert W.	Jean, Robert R.	Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.	Champagne, Richard L.	Clark, Eugene W.
Cole, Stacey W.	Foster, Katherine D.	Hunt, John B.
LaMar, David M.	Lynch, Margaret A.	Metzger, Katherine H.
Pearson, Gertrude B.		

**COOS**

Brungot, Catherine V.	Coulombe, Henry W.	Guay, Lawrence J.
Hawkinson, Marie C.	Mayhew, Josephine	Merrill, Gerald P.
Oliver, Terry D.	Pratt, Leighton C.	

**GRAFTON**

Arnesen, Deborah L.	Bean, Pamela B.	Brown, Patricia B.
Chambers, Mary P.	Copenhaver, Marion L.	Guest, Robert H.
Larson, Nils H., Jr.	Lougee, Richard W.	McIlwaine, Deborah P.
Nordgren, Sharon L.	Scanlan, David M.	Teschner, Douglass P.
Wadsworth, Karen O.		

**HILLSBOROUGH**

Ackerman, Philip M.	Amidon, Eleanor H.	Andrews, Frederick B.
Asselin, Robert P.	Baldizar, Barbara J.	Baroody, Benjamin C.
Bourque, Ann J.	Bowers, Dorothy C.	Buckley, Raymond
Carpenter, Karen A.	Chasse, Richard D.	Cook, Valerie S.
Cote, David E.	Crotty, Edward J.	Daniels, Gary L.
Domaingue, Jacquelyn M.	Donovan, Francis X.	Drabinowicz, A. Theresa
Drolet, Paul L.	Durham, Susan B.	Ferguson, Charles
Fields, Dennis H.	Gage, Ruth E.	Green, Scott E.
Gureckis, Adam C., Sr.	Haettenschwiller, Alphonse	Hall, Betty B.
Hanselman, Gregory L.	Healy, Daniel J.	Holden, Carol H.
Janas, Gregory	Jean, Romeo W.	Johnson, Lionel W.
Jordan, Mary H.	Keane, Cornelius J.	L'Heureux, Robert J.
Lachut, Ervin R.	Laughlin, J. Francis	Leclerc, Charles J.
Lozeau, DonnaLee M.	Martin, Mary Ellen	McDowell, James E.
McNerney, Daniel P.	Mercer, Robert S.	Moore, Elizabeth A.
Murphy, Robert E.	Nardi, Theodora P.	Packard, Bonnie B.
Pepino, Leo P.	Pignatelli, Debora B.	Reidy, Frank J.
Rheault, Lillian I.	Robinson, Ellen-Ann	Rodgers, G. Philip
Smith, Leonard A.	Soucy, Donna M.	Turgeon, Roland M.
Vanderlosk, Stanley R.	White, John M.	

**MERRIMACK**

Apple, Lowell D.	Barberia, Richard A.	Carter, Susan D.
Chandler, John P.	Daneault, Gabriel J.	Dunn, Miriam D.
Fillion, Paul R.	Hall, Douglas E.	Hill, Michael J.
Johnson, C. William	Letourneau, George E.	Lewis, Mary Ann
Stapleton, Henry F.	Teague, Bert	Trombly, Rick A.
Wallner, Mary Jane	Weeks, John F., Jr.	Whittemore, James A.
Yeaton, Charles B.		

**ROCKINGHAM**

Barnes, John S., Jr.  
 Caswell, Albert, Jr.  
 Connell, David R.  
 Drake, Herbert R.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 McCain, William F.  
 Pantelakos, Laura C.  
 Rosencrantz, James R.  
 Schanda, Joseph, Sr.  
 Sytek, Donna P.  
 Warburton, Calvin

Bell, Juanita L.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 Flanders, John W., Sr.  
 Griebisch, Linda  
 Kane, Cecelia D.  
 McCarthy, John J., Jr.  
 Parr, Ednapearl F.  
 Roulston, Donald L.  
 Senter, Merilyn P.  
 Tufts, Arthur

Buco, Stephen W.  
 Clark, Martha Fuller  
 Cote, Patricia L.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Magoon, Harold F.  
 McGovern, Cynthia A.  
 Raynowska, Bernard J.  
 Rubin, George R.  
 Syracuse, Anthony  
 Vaughn, Charles L.

**STRAFFORD**

Frechette, Roland A.  
 Jankowski, Peter M.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Sullivan, Henry P.  
 Young, John B.

Gilmore, Gary R.  
 Keans, Sandra B.  
 Messier, Donald R.  
 Pelley, Janet R.  
 Wall, Janet G.

Hashem, Elaine M.  
 Marston, Robert E.  
 O'Brien, John  
 Spencer, Leo J.  
 Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
 Domini, Irene C.  
 Schotanus, Merle W.

Behrens, Thomas A.  
 Flint, Gordon B.  
 Tetu, Michael A.

Burling, Peter Hoe  
 Lindblade, Eric N.  
 Walsh, Robert R.

**NAYS 128  
BELKNAP**

Bartlett, Gordon E.  
 Joscelyn, William W.  
 Zaharchuk, Peter J., Jr.

Holbrook, Robert G.  
 Rice, Thomas E. P., Jr.

Johnson, Carl R.  
 Shibley, Arnold P.

**CARROLL**

Allard, Nanci A.  
 Dodge, A. Gibb, Jr.

Beach, Mildred A.  
 Saunders, Howard N.

Chandler, Gene G.

**CHESHIRE**

Cole, Kenneth A.  
 Kennison, Wayne A.  
 Perry, David M.

Feuer, Joseph N.  
 Laurent, John J.  
 Young, David A.

Grodin, Richard A.  
 Mohr, Frederick C., Jr.

**COOS**

Horton, Lynn C.

Marsh, Beaton

**GRAFTON**

Adams, Carl S.  
 Driscoll, William J.  
 Markley, J. Keith  
 Trelfa, Richard T.

Brown, Channing T.  
 Hill, Richard L.  
 Nielsen, Niels F., Jr.  
 Ward, Kathleen W.

Christy, C. Dana  
 LaMott, Paul I.  
 Shackett, Ralph E.  
 White, Paul R.

**HILLSBOROUGH**

Alukonis, David J.	Arnold, Barbara E.	Baker, George H., Sr.
Calawa, Leon, Jr.	Cowenhoven, Garret P.	Desrochers, Gerard T.
Desrosiers, William J.	Dyer, Merton S.	Emerton, Lawrence A.
Fenton, James J.	Ferlan, Arthur P.	Gagnon, Eugene L.
Gosselin, Gerald O.	Goulet, Maurice E.	Greenglass, Alan B.
Healy, Walter F.	Hultgren, David D.	Jasper, Shawn N.
Kelley, Dana F.	Kelley, Robert N.	King, Frank P.
Kurk, Neal M.	Larochelle, Roger B.	Lawrence, Eva M.
Lawrence, Norman B.	Lefebvre, Roland J.	Lown, Elizabeth D.
McCann, Bonnie Lou	McRae, Karen K.	Messier, Irene M.
Ouellette, Robert O.	Paquette, Rodolphe G.	Record, Alice B.
Riley, Frances L.	Rothhaus, Finlay C.	Sallada, Roland A.
Searles, Stanley N., Sr.	Stiles, Walter A.	Tarpley-Bamberger, Nancy L.
Upton, Barbara A.	Wheeler, David K.	Wheeler, Robert L.
Wright, George W.		

**MERRIMACK**

Boucher, Laurent J.	Chandler, Earle W.	Christie, Thomas J.
Fair, Patricia A.	Gross, Caroline L.	Hager, Elizabeth S.
Kidder, William F.	Lockwood, Robert A.	Millard, Elizabeth S.
Nichols, Avis B.	Smith, Gerald R.	Stio, Peter M.

**ROCKINGHAM**

Benton, Richardson D.	Boucher, William P.	DiPietro, Carmela M.
Dowd, Sandra K.	Dowling, Patricia A.	Dube, LeRoy S.
Felch, Charles H., Sr.	Flanders, David A.	Ford, Bert H.
Haynes, Richard	Hurst, Sharleene P.	Johnson, Robert A.
Katsakiores, George N.	Katsakiores, Phyllis	Klemarczyk, Thaddeus E.
Klemm, Arthur P., Jr.	Malcolm, Kenneth W.	Melnick, Roy E.
Seward, Russell G.	Skinner, Patricia M.	Smith, Arthur W.
Sytek, John J.	Welch, David A.	Wells, Henry E.
Weyler, Kenneth L.	Woods, Deborah L.	

**STRAFFORD**

Brown, Julie M.	Corte, Arthur B.	Douglass, Clyde J.
Flynn, Edward J.	Martling, W. Kent	Torr, Ann M.
Torr, Ralph W.	Tsiros, William	Vincent, Francis C.

**SULLIVAN**

Krueger, Richard H.	Middleton, John A.	Porter, Robert H.
Rodeschin, Beverly T.		

and the motion was adopted.

Substitute report adopted.

Referred to Appropriations.

**HB 599-FN**, relative to the storage and disposal of low-level radioactive waste.  
**MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles C. Vogler for the Majority of Science, Technology and Energy: Since the Nuclear Regulatory Commission (NRC) has withdrawn its policy concerning "Below Regulatory Concern" low-level nuclear waste, the majority of the Committee, believes this legislation is not required at this time. Vote 9-2.

Reps. Amanda A. Merrill and Gary R. Gilmore for the Minority of Science, Technology and Energy: This bill states that materials presently handled as radioactive shall continue to be handled as radioactive, regardless of future deregulation by the Nuclear Regulatory Commission i.e. the NRC's proposed "Below Regulatory Concern (BRC)" program which would reclassify up to 30 percent of low-level radioactive waste as regular solid waste. BRC is an issue currently under the scrutiny of the US Congress and the NRC. This is a highly appropriate time for New Hampshire to join 11 other states in declaring our wish to maintain a state policy designed to provide maximum public protection from exposure to radiation. It is our responsibility to let the federal government know that we do not favor a policy that includes as an acceptable outcome a significant increase in deaths from exposure to radioactive materials.

Rep. Michael Hill declared that a conflict of interest existed and he did not participate.

Rep. Amanda Merrill moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Rodeschin spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

### YEAS 107

### NAYS 197

#### YEAS 107 BELKNAP

Maviglio, Steven R.

#### CARROLL

Bradley, Jeb E.

Dodge, A. Gibb, Jr.

#### CHESHIRE

Burnham, Daniel M.

Champagne, Richard L.

Clark, Eugene W.

Cole, Kenneth A.

Foster, Katherine D.

Hunt, John B.

LaMar, David M.

Lynch, Margaret A.

Pearson, Gertrude B.

#### COOS

Coulombe, Henry W.

Hawkinson, Marie C.

Mayhew, Josephine

#### GRAFTON

Arnesen, Deborah L.

Chambers, Mary P.

Christy, C. Dana

Copenhaver, Marion L.

Guest, Robert H.

McIlwaine, Deborah P.

Nordgren, Sharon L.

Teschner, Douglass P.

#### HILLSBOROUGH

Ackerman, Philip M.

Andrews, Frederick B.

Asselin, Robert P.

Baldizar, Barbara J.

Baroody, Benjamin C.

Bourque, Ann J.

Bowers, Dorothy C.

Buckley, Raymond

Chasse, Richard D.

Cote, David E.

Crotty, Edward J.

Drabinowicz, A. Theresa

Ferguson, Charles

Gage, Ruth E.

Gosselin, Gerald O.

Goulet, Maurice E.

Green, Scott E.

Gureckis, Adam C., Sr.

Haettenschwiller, Alphonse

Hall, Betty B.

Hanselman, Gregory L.

Healy, Daniel J.

Janas, Gregory

Jean, Romeo W.

Johnson, Lionel W.

Jordan, Mary H.

Leclerc, Charles J.

Lozeau, Donnalee M.

McDowell, James E.

Messier, Irene M.



Moore, Elizabeth A.  
Pignatelli, Debora B.  
Smith, Leonard A.  
Upton, Barbara A.

Nardi, Theodora P.  
Reidy, Frank J.  
Soucy, Donna M.  
Vanderlosk, Stanley R.

Packard, Bonnie B.  
Sallada, Roland A.  
Turgeon, Roland M.  
White, John M.

### MERRIMACK

Dunn, Miriam D.  
Teague, Bert  
Yeaton, Charles B.

Hall, Douglas E.  
Trombly, Rick A.

Letourneau, George E.  
Wallner, Mary Jane

### ROCKINGHAM

Bell, Juanita L.  
Christie, Andrew, Jr.  
Dowling, Patricia A.  
Hurst, Sharleene P.  
Pantelakos, Laura C.  
Vaughn, Charles L.

Boucher, William P.  
Clark, Martha Fuller  
Griebsch, Linda  
Kane, Cecelia D.  
Smith, Arthur W.  
Warburton, Calvin

Caswell, Albert, Jr.  
DiPietro, Carmela M.  
Hoar, John, Jr.  
McGovern, Cynthia A.  
Syracusa, Anthony

### STRAFFORD

Brown, Julie M.  
Jankowski, Peter M.  
Messier, Donald R.  
Pelley, Janet R.  
Wall, Janet G.

Gilmore, Gary R.  
Keans, Sandra B.  
O'Brien, John  
Spencer, Leo J.  
Wheeler, Katherine W.

Hashem, Elaine M.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Torr, Ralph W.

### SULLIVAN

Burling, Peter Hoe  
Walsh, Robert R.

Domini, Irene C.

Tetu, Michael A.

### NAYS 197 BELKNAP

Bartlett, Gordon E.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Cain, Thomas G.  
Johnson, Carl R.  
Rosen, Ralph J.  
Vogler, Charles C.

Hawkins, Robert S.  
Joscelyn, William W.  
Shibley, Arnold P.  
Ziegra, Alice S.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Jean, Robert R.

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Gordon E.

### CHESHIRE

Cole, Stacey W.  
Kennison, Wayne A.  
Perry, David M.

Feuer, Joseph N.  
Laurent, John J.  
Young, David A.

Grodin, Richard A.  
Mohr, Frederick C., Jr.

### COOS

Brungot, Catherine V.  
Merrill, Gerald P.

Guay, Lawrence J.  
Oliver, Terry D.

Marsh, Beaton  
Pratt, Leighton C.

### GRAFTON

Adams, Carl S.  
Brown, Patricia B.  
Larson, Nils H., Jr.

Bean, Pamela B.  
Driscoll, William J.  
Lougee, Richard W.

Brown, Channing T.  
Hill, Richard L.  
Markley, J. Keith

Nielsen, Niels F., Jr.  
Trelfa, Richard T.  
White, Paul R.

Scanlan, David M.  
Wadsworth, Karen O.

Shackett, Ralph E.  
Ward, Kathleen W.

### HILLSBOROUGH

Alukonis, David J.  
Baker, George H., Sr.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Drolet, Paul L.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Greenglass, Alan B.  
Hultgren, David D.  
Kelley, Dana F.  
Kurk, Neal M.  
Larochelle, Roger B.  
Lawrence, Norman B.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Paquette, Rodolphe G.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Stiles, Walter A.  
Wheeler, Robert L.

Amidon, Eleanor H.  
Calawa, Leon, Jr.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Healy, Walter F.  
Jasper, Shawn N.  
Kelley, Robert N.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
McNerney, Daniel P.  
Murphy, Robert E.  
Pepino, Leo P.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Tarpley-Bamberger, Nancy L.  
Wright, George W.

Arnold, Barbara E.  
Carpenter, Karen A.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Dyer, Merton S.  
Fenton, James J.  
Gagnon, Eugene L.  
Holden, Carol H.  
Keane, Cornelius J.  
King, Frank P.  
Lachut, Ervin R.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
McRae, Karen K.  
Ouellette, Robert O.  
Record, Alice B.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Wheeler, David K.

### MERRIMACK

Apple, Lowell D.  
Carter, Susan D.  
Christie, Thomas J.  
Fillion, Paul R.  
Johnson, C. William  
Lockwood, Robert A.  
Smith, Gerald R.  
Weeks, John F., Jr.

Barberia, Richard A.  
Chandler, Earle W.  
Daneault, Gabriel J.  
Gross, Caroline L.  
Kidder, William F.  
Millard, Elizabeth S.  
Stapleton, Henry F.  
Whittemore, James A.

Boucher, Laurent J.  
Chandler, John P.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.

### ROCKINGHAM

Barnes, John S., Jr.  
Connell, David R.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Ford, Bert H.  
Haynes, Richard  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
Malcolm, Kenneth W.  
Melnick, Roy E.  
Rosencrantz, James R.  
Schanda, Joseph, Sr.

Benton, Richardson D.  
Conroy, Janet M.  
Drake, Herbert R.  
Flanders, David A.  
Gage, Beverly A.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
McCain, William F.  
Parr, Ednapearl F.  
Roulston, Donald L.  
Senter, Marilyn P.

Buco, Stephen W.  
Cote, Patricia L.  
Dube, LeRoy S.  
Flanders, John W., Sr.  
Greene, Elizabeth A.  
Hutchinson, Karen K.  
Katsakiores, Phyllis  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Raynowska, Bernard J.  
Rubin, George R.  
Seward, Russell G.

Skinner, Patricia M.  
Tufts, Arthur  
Weyler, Kenneth L.

Sytek, Donna P.  
Welch, David A.  
Woods, Deborah L.

Sytek, John J.  
Wells, Henry E.

### STRAFFORD

Corte, Arthur B.  
Frechette, Roland A.  
Sullivan, Henry P.  
Vincent, Francis C.

Douglass, Clyde J.  
Marston, Robert E.  
Torr, Ann M.  
Young, John B.

Flynn, Edward J.  
Martling, W. Kent  
Tsiros, William

### SULLIVAN

Allison, David C.  
Krueger, Richard H.  
Porter, Robert H.  
and the motion lost.  
Report adopted.

Behrens, Thomas A.  
Lindblade, Eric N.  
Rodeschin, Beverly T.

Flint, Gordon B.  
Middleton, John A.  
Schotanus, Merle W.

### REGULAR CALENDAR

**HB 602-FN-A**, reinstating the dental program for children and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alphonse Haettenschwiler for Children, Youth and Juvenile Justice: The bill which was recommitted, was extensively discussed in executive session. It was the consensus of the Committee members that this program was a highly cost effective prevention program for young children. It was the Committee's feeling that it should have the opportunity to make its case before the Appropriations Committee because of the approximately additional \$200 million of Medicaid money. Vote 13-1.

3785L

### Amendment

Amend the bill by replacing all after section 1 with the following:

2 Appropriation. The sum of \$192,556 for the fiscal year ending June 30, 1993, and the sum of \$217,339 for the fiscal year ending June 30, 1994, are hereby appropriated to the department of health and human services, division of public health services, for the purposes of this act. These appropriations are in addition to any other funds appropriated to the department of health and human services, division of public health services. Such funds shall be nonlapsing. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1992.

### AMENDED ANALYSIS

This bill restores the child health dental clinics for rural area children ages 3 to 6 years old from low-income families. The bill establishes an incentive grants program for elementary schools to sponsor preventive oral health activities.

This bill makes an appropriation for fiscal years 1993 and 1994 to the department of health and human services, division of public health services, for the purposes of this bill.

Adopted.

Report adopted.

Rep. Jacobson notified the Clerk that he wished to be recorded in favor of the Committee report.

Referred to Appropriations.

**HB 1342-A**, relative to the location and establishment of a state veterans' cemetery within the Pease Air Force Base facilities and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James J. Fenton for Public Protection and Veterans Affairs: The bill provides for the allocation of not less than 100 acres of land, at the Pease Air Force Base facility, to be developed for use as a state veterans cemetery. The sum of \$50,000, through the sale by the State Treasurer of bonds and notes, is appropriated for the purpose of conducting tests of the land to determine its suitability for inground interments. The amendment permits the Cemetery Search Committee to broaden its scope and to examine any other state owned property, in the event that a suitable cemetery site is not found at the Pease Air Force Base facility. Suitability testing of such other lands shall be conducted by the Department of Transportation and the Department of Resources and Economic Development. The Fiscal Note calls for state expenditures of \$50,000 in FY '92. Vote 10-4.

4434L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the location and establishment of a state veterans' cemetery and making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 Veterans' Cemetery. 1991, 61:1 is repealed and reenacted to read as follows:

61:1 Veterans' Cemetery. There shall be a state veterans' cemetery on the site of the Pease Air Force Base facilities or on other suitable state property, consisting of not less than 100 acres. The department of resources and economic development and the department of transportation shall carry out the site search, testing and selection process. The Pease development authority shall recommend a suitable site or sites on the Pease Air Force Base property for such cemetery to the senate president and the speaker of the house within 90 days of the effective date of this section.

#### **AMENDED ANALYSIS**

This bill requires the designation of a suitable site of not less than 100 acres for a state veterans cemetery at Pease Air Force Base facilities or on other suitable state property. An appropriation is made for the purposes of this bill.

Adopted.

Rep. Fields spoke in favor.

Rep. Fenton yielded to questions.

Report adopted.

Referred to Appropriations.

#### **SPECIAL ORDER**

Reps. Gross and Chambers moved that **SB 213-FN-A**, relative to the distribution of meals and rooms tax revenue, be made a special order for January 30.

Rep. Chambers spoke in favor.

Adopted.

#### **REMARKS**

Rep. Donna Sytek addressed the House on current Revenue Estimates.

Reps. Hager and Douglas Hall addressed the House on the Supplemental Budget and yielded to questions.



**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet January 30, 1992 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 504-FN**, requiring licensure of medical utilization review entities.

**HB 783**, relative to motor vehicle records and DWI convictions.

**HB 1318-FN**, repealing a provision of the business corporations act concerning application for reinstatement of charters and relative to the annual reports of beverage vendors and beverage vendor importers.

**INTRODUCTION OF PAGES**

The Speaker introduced the Pages for the 1992 Session: Robert Hilliard of Manchester, Kathleen Houghton of New Boston, Karen Twomey of Gilford, Kristin Hobbs of Peterborough and Michael McInnis of Bow.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolled bills reports only.

Adopted.

The House recessed at 3:30 p.m.

**RECESS**

Rep. Michael Hill moved that the House adjourn

Adopted.

## HOUSE JOURNAL No. 6

Thursday, January 30, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

Almighty God, we confess that we are easily distracted, turning from trust and love to worry and grasping. Center us now in Your deepest hopes for this land and its people; steady us throughout our times of crisis; and give us the courage to live as You would have us live. Amen.

Rep. Pearson led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Feuerstein, Morse, Terninko, Kilbride, Robert Walsh, Allison and Pantelakos, the day, illness.

Reps. Chulack, Markley, Rodgers, Weeks, Dowling, Scanlan, Harland, DePecol, Dwyer, Burling, Beach, Carter, Connell, Keith, Stamatakis and Marilyn Campbell, the day, important business.

Rep. Marsh, the day, death in the family.

Reps. James Appleby, Braiterman and Tate, the day, illness in the family.

### INTRODUCTION OF GUESTS

Donald Whitman, guest of Rep. Senter. Diane Boucher, sister of Rep. O'Rourke. Emelda Fagnant, guest of Rep. Romeo Jean. The 8th grade class and its teacher, Windy Crowley, from Northampton elementary school and Northampton town officials, guests of Reps. McCarthy, Elizabeth Greene, Coffey and Drake. Robert Baldizar, guest of Rep. Baldizar. Endicott Peabody, former Governor of Massachusetts and guest of Rep. Copenhaver.

### EXTENSIONS

The Committee on Children, Youth and Juvenile Justice requested an extension on **HB 1385-FN**, requiring the division for children and youth services to implement certain procedures for handling complaints regarding abused and neglected children, to February 19.

Granted.

The Committee on Children, Youth and Juvenile Justice requested an extension on **HB 1464-FN**, relative to children and family services and making an appropriation therefor, to February 19.

Granted.

The Committee on Commerce, Small Business and Consumer Affairs requested an extension on **HB 1396-FN**, authorizing the New Hampshire municipal bond bank to sell bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills, and to clean up hazardous waste sites, solid waste sites and superfund sites to February 19.

Granted.

The Committee on Environment and Agriculture requested an extension on **HB 1143-FN-A**, relative to administrative fines, court fines for violations of weights and measure laws and continually appropriating a special account to the bureau of weights and measures, to February 12.

Granted.

The Committee on Environment and Agriculture requested an extension on **HB 1250-FN-L**, increasing the fee for the disposal of solid waste, to February 19.

Granted.

### RESOLUTION

Their introduction having been approved by the Rules Committee,

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1499-FN and 1500-FN, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

#### First, second reading and referral

**HB 1499-FN**, relative to inter-track wagering and the conduct of simulcast racing. (Benton of Rockingham Dist. 5; Behrens of Sullivan Dist. 3; M. Campbell of Rockingham Dist. 20; Delahunty of Dist. 22; Disnard of Dist. 8 - To Regulated Revenues)

**HB 1500-FN**, making the police standards and training council responsible for certification of corrections officers. (D. Sytek of Rockingham Dist. 20 - To Executive Departments and Administration)

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 265-FN-A**, using revenues from a solid waste cleanup fund to fund departmental positions and to pay certain cleanup costs and continually appropriating the fund to the division of waste management, was removed at the request of Rep. Betty Hall.

**HB 476-FN-A**, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor, was removed at the request of Rep. Jacobson.

**HB 1370**, to provide rotating 4-year county commissioner terms in Rockingham county, was removed at the request of Rep. Warburton.

Consent Calendar adopted.

**HB 55-FN**, establishing the New Hampshire countryside trust.(A) **REFER FOR INTERIM STUDY**.

Rep. Paul I. LaMott for Appropriations: There is still time to decide how the lands acquired under the LCIP will be monitored in the future. Because there is not yet agreement about where the funds should come from for this program, the sponsor and interested parties requested the bill be studied for a while longer. Vote 18-0.

**HB 261-FN**, relative to delays in processing applications for state public assistance.(A) **REFER FOR INTERIM STUDY**.

Rep. Neal W. Kurk for Appropriations: The Department has made considerable progress, in part because this bill was filed, in reducing delays in processing welfare applications to the federal 30- and 45-day maximums. In order to oversee a desirable reduction to the 15-day average delay of recent years, which would decrease municipal welfare costs even more than proposed by this bill, the committee recommends Interim Study. Vote 17-0.

**HB 285-A**, relative to constructing regional vocational centers and making an appropriation therefor. (A) OUGHT TO PASS.

Rep. Neal W. Kurk for Appropriations: This bill bonds \$5.5 million for the eighteenth of twenty regional vocational education centers, this one in Peterborough and Jaffrey. Vote 20-0.

**HB 469-A**, relative to improvements on route 106 and making an appropriation therefor. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. John P. Chandler for Appropriations: This bill is necessary in order to provide funds for the early stages of this important project, which appears in the Governor's Advisory Commission 10-Year Plan scheduled to commence in FY 93. Vote 18-0.

4596L

#### Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Appropriation. The sum of \$10,000,000 is hereby appropriated for the biennium ending June 30, 1993, to the department of transportation for the costs of rights-of-way acquisition, planning, design, engineering studies, and construction, for improvements to New Hampshire route 106 from Concord to Laconia. The emphasis of the expenditure of these funds shall be on preservation of the right-of-way for the ultimate build out and construction which will address areas of high daily and peak traffic volumes, or high daily or peak traffic volumes. This appropriation shall be non-lapsing and in addition to any other appropriations for the department of transportation. The department may accept funds from any other sources for this project and the appropriation shall be reduced by the amount of any such funds made available.

2 Bonds. To provide funds for the appropriation in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$10,000,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provision of RSA 6-A.

**HB 663-FN-A**, establishing a pilot project in the Sullivan county superior court to train volunteer attorneys to serve as mediators and making an appropriation therefor. (A) INEXPEDIENT TO LEGISLATE.

Rep. Merle W. Schotanus for Appropriations: The sponsors indicated that this bill is no longer needed because the project is being picked up through private efforts. They requested the bill be withdrawn. Vote 18-0.

**HB 677-FN**, establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases and making an appropriation therefor. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. Stacey W. Cole for Appropriations: This bill establishes a 2-year pilot program in Rockingham county designed to eliminate the current two-trial system in misdemeanor cases. Under this legislation a defendant may choose, at the district court level, whether to have a jury trial or a non-jury trial. Any appeal of the verdict shall be to the Supreme Court only to settle issues of law. Passage of this legislation will assist in clearing the backlog of cases currently and will save considerable money as time passes. The amendment removes the appropriation because it is the intent of the committee to put the appropriation in the supplemental budget. Vote 21-0.



4582L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases.

Amend the bill by replacing paragraph IV of section 1 of the bill with the following:

IV. The pilot program shall take effect on July 1, 1992, and shall continue for 2 years. The end result of this pilot program shall be as outlined in paragraph II; however, the method and dispatch with which it is implemented is within the discretion of the supreme court. On or before September 1, 1994, the supreme court shall submit a report, including any recommendations for continuation or expansion of the pilot program, to the speaker of the house, the senate president and the governor.

Amend the bill by deleting section 2 and renumbering section 3 to read as 2.

**AMENDED ANALYSIS**

This bill directs the supreme court to establish a 2-year pilot program in Rockingham county eliminating the 2 trial system in misdemeanor cases. Under this program a defendant in a misdemeanor case in Rockingham county may elect, at the district court level, either a jury trial or a non-jury trial. Any appeal on a misdemeanor decision shall be directly to the supreme court on issues of law only.

**HB 693-FN**, relative to disclosure of tax records related to investigations by the attorney general and relative to forfeiture of items seized in connection with controlled drug offenses. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. Elizabeth Hager for Appropriations: This bill is basically housekeeping changes to the drug forfeiture law. The amendment assures that in drug forfeiture cases any resulting indigent defense costs will be paid back to the general fund before the proceeds are distributed under the forfeiture formula. Vote 20-0.

4609L

**Amendment**

Amend the introductory paragraph of RSA 318-B:17-b, V as inserted by section 2 of the bill by replacing it with the following:

V. [Such] Final orders *for forfeiture of property under this section or under RSA 318-B:17-d* shall be implemented by the [attorney general] *department of justice* and shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including *but not limited to* retention for official use by law enforcement or other public agencies or sale at public auction. The [attorney general] *department of justice* shall *reimburse the state for indigent defense expenses for all court ordered costs associated with the defendant and shall* pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs and notice of sale from any money forfeited and from the proceeds of any *sale or* public auction of forfeited items. All outstanding recorded liens on said items or property interests seized shall be paid in full upon conclusion of the court proceedings *from the proceeds of any sale or public auction of forfeited items*. The balance remaining shall be distributed by the [attorney general] *department of justice* as follows:

**HB 1129**, designating the insurance department as the regulatory body for approval of motor vehicle warranty agreements. OUGHT TO PASS WITH AMENDMENT.

Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs: This bill delineates more clearly the regulatory responsibilities to the Insurance Department for those businesses providing extended warranty agreements. The surety bond requirement provides safeguards to the consumer. Vote 19-0.

4520L

#### Amendment

Amend RSA 407-A:3-a as inserted by section 2 of the bill by replacing it with the following:

407-A:3-a Surety Bond. Every manufacturer, importer or distributor of passenger automobiles and pickup trucks with a rated load of 1-1/2 tons or less shall [certify to the consumer protection and antitrust division in the office of the attorney general assets of not less than \$50,000 located in New Hampshire or shall post] *provide to the insurance commissioner* a surety bond of not less than \$50,000 [with said division] *or other form of security satisfactory to the commissioner* to insure warranties. The type of surety bond shall be designated by the [consumer protection and antitrust division in the office of the attorney general] *insurance commissioner*. No bond shall be accepted for filing unless it is with a surety company authorized to do business in this state.

**HB 1138**, relative to the board of trust company incorporation's consideration of petitions for incorporation of savings banks. OUGHT TO PASS.

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: The bill requires those individuals who want to incorporate a savings bank to submit full information on the identity and background of each person, firm or corporation to the board of trust company if they have five percent or more of the initial capital of the proposed bank. Current law requires all incorporators, regardless of the amount they own in the bank, to file. The Banking Department requested this change. Vote 20-0.

**HB 1140**, relative to exempting New Hampshire banks from acquisitions by out-of-state banks. OUGHT TO PASS.

Rep. Eric N. Lindblade for Commerce, Small Business and Consumer Affairs: This bill eliminates the need for banks to re-affirm their opt out provision every two years and makes the vote by the directors to opt out of the acquisition provision of the Interstate Banking Law without a time limit. It also provides that a bank's directors may vote to forego the protection of the opt out provision. Once voted, the bank can then not return to the opt out position. Vote 21-0.

**HB 1142**, permitting the bank commissioner to delegate duties and responsibilities. OUGHT TO PASS WITH AMENDMENT.

Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs: This bill corrects the many conflicts of provisions requiring the bank commissioner to be at meetings that conflict in time by allowing his designee to attend these meetings. It meets the intent of previous legislation that had solely designated the commissioner. Vote 15-0.

4567L

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

**HB 1430**, relative to the disclosure of certain information relating to musical performances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill imposes duties on promoters, places of musical entertainment and ticket agents to disclose whether all the lead vocals of a musical performance featuring vocals that are prerecorded. The bill also requires ticket agents to refund tickets (within 60 days) sold for performances which are cancelled. Vote 14-0.

4526L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the disclosure of certain information and refunds  
relating to musical performances.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Disclosure of Information and Refunds Relating to Musical Performances. Amend RSA by inserting after chapter 357-E the following new chapter:

#### **CHAPTER 357-F**

#### **DISCLOSURE OF INFORMATION AND REFUNDS RELATING TO MUSICAL PERFORMANCES**

357-F:1 Definitions. In this chapter:

I. "Musical performance" means a musical performance, show, concert or other cultural event which includes vocal performances.

II. "Person" means any corporation, company, association, firm, partnership, and joint stock company as well as any individual.

III. "Place of musical entertainment" means any privately or publicly owned and operated entertainment facility within the state, such as a theater, stadium, arena or other place where musical performances are held and for which an entry fee is charged.

IV. "Promoter" means any person who produces, arranges, or stages a musical performance.

V. "Ticket" means any piece of paper which indicates that the bearer has paid for entry or other evidence which permits entry to a place of musical entertainment.

VI. "Ticket agent" means any person who is involved in the business of selling or reselling tickets or admission to a musical performance who charges a premium in excess of the price, plus taxes, printed on the ticket.

357-F:2 Disclosure Required. When the promoter knows, prior to the sale of any tickets for a musical performance which includes, either in whole or in part, vocal performances, the promoter shall disclose whether all the lead vocals consist of played recordings rather than the actual singing of those vocalists during that performance. The disclosure required under this section shall consist of the following:

I. Notice, in writing, to the place of musical entertainment where the musical performance is to be held; and

II. Notice, in writing, to every ticket agent receiving tickets for the musical performance in which all the lead vocals consist of played recordings rather than the actual singing of those vocalists.

357-F:3 Duties of Place of Musical Entertainment.

I. A place of musical entertainment shall, upon receipt of a promoter's disclosure that all the lead vocals consist of played recordings rather than the actual singing of

those vocalists, print on the face of each ticket, in a prominent and conspicuous manner, substantially the following: "(Insert name of lead vocalist or musical group) VOCALS PRE-RECORDED."

II. In addition to the requirements under paragraph I, the place of musical entertainment shall, in each advertisement for that musical performance provide the following:

(a) In each printed advertisement in a prominent and conspicuous manner, a disclosure that either all the lead vocals consist of played recordings rather than the actual singing of the lead vocalists. The disclosure shall consist of substantially the following: "(Insert name of lead vocalist or musical group) VOCALS ARE PRE-RECORDED."

(b) In each radio or telecommunication advertisement in a clear and prominent manner, a statement consisting of substantially the following statement: "THE LEAD VOCALS IN THIS MUSICAL PERFORMANCE ARE PRE-RECORDED AND WILL NOT ACTUALLY BE SUNG BY (Insert name of lead vocalist or musical group) DURING THIS SHOW."

357-F:4 Duties of Ticket Agent. Every ticket agent receiving tickets for sale or resale to a musical performance in which all the lead vocals consist of played recordings rather than the actual singing of the lead vocalists, shall:

I. Display, in a location immediately adjacent to the booth, counter, or window where the tickets are sold, a prominent and conspicuous notice consisting of substantially the following: "THE LEAD VOCALS IN (Insert name of musical performance) ARE PRE-RECORDED AND WILL NOT ACTUALLY BE SUNG BY (insert name of lead vocalist or musical group) DURING THIS SHOW."

II. State, prior to the completion of any telephone sales transaction involving tickets to a musical performance in which all the lead vocals consists of played recordings rather than the actual singing of the lead vocalists, substantially the following: "THE LEAD VOCALS IN (Insert name of musical performance) ARE PRE-RECORDED AND WILL NOT ACTUALLY BE SUNG BY (Insert name of lead vocalist or musical group) DURING THIS SHOW."

357-F:5 Penalties. Notwithstanding title LXII:

I. Any ticket agent who violates the provisions of RSA 357-F:4 shall be guilty of a misdemeanor.

II. Any promoter or place of musical entertainment violating the provisions of this chapter shall be guilty of a misdemeanor.

357-F:6 Enforcement. The attorney general shall enforce the provisions of this chapter and shall adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to properly carry out his duties under this chapter.

357-F:7 Refunds Required for Cancelled Musical Performances, Shows or Concerts. A ticket agent operating in this state shall refund the full face value of a ticket to a musical performance or other cultural event which has been cancelled. The refund shall be paid within 60 days after presentation of the ticket by the ticket holder.

357-F:8 Civil Penalty. Any ticket agent violating the provisions of 357-F:7 shall be assessed a civil penalty.

2 Effective Date. This act shall take effect January 1, 1993.



## AMENDED ANALYSIS

This bill imposes duties on promoters, places of musical entertainment and ticket agents to disclose whether all the lead vocals of a musical performance featuring vocals are pre-recorded. The bill requires the attorney general to enforce the law and grants him rulemaking authority for that purpose.

The bill also requires ticket agents to refund tickets sold for performances which are cancelled.

**HB 1437**, requiring a total refund on concerts or other event tickets and obligating event promoters to reimburse ticket sellers for all service fees. INEXPEDIENT TO LEGISLATE.

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: The Committee felt that only the face value of the ticket should be refunded and that any service charges should not be refunded. HB 1430 addresses the need to ensure that refunds are made within 60 days. Vote 14-0.

**HB 1237**, revising statutory references to the New Hampshire Charitable Fund. OUGHT TO PASS.

Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: House Bill 1237 simply changes the name of the New Hampshire Charitable Fund to the New Hampshire Charitable Foundation as it now acts for many. Vote 14-0.

**HB 1442-L**, relative to a census of school age children. OUGHT TO PASS.

Rep. Patricia B. Brown for Education: This bill repeals the law requiring school districts to take a census of school-age children every other year. The census is no longer used and more accurate assessments of numbers of school-age children can be drawn up from community programs and the federal census. Repeal of the law will save the school districts a modest amount of money. Vote 18-0.

**HB 1134-FN**, establishing a special fund from the sale of timber harvested on fish and game department property for wildlife management purposes. OUGHT TO PASS.

Rep. Allen R. Wiggin for Fish and Game: The Committee felt that the bill had a lot of merit even though it will increase the state expenditures, but it will give funding for the Wildlife Management Fund. Vote 14-0.

Referred to Appropriations.

**HB 1186-FN**, authorizing the department of fish and game to purchase certain dams in the town of Canterbury. OUGHT TO PASS.

Rep. Joseph Schanda, Sr. for Fish and Game: The bill was requested by the Fish and Game Department. RSA 4:29 requires approval by the Legislature prior to state purchase of all dams. The bill accomplishes that requirement. Vote 14-0.

Referred to Appropriations.

**HB 1264-FN**, limiting the season for bear hunting and baiting. INEXPEDIENT TO LEGISLATE.

Rep. Robert J. L'Heureux for Fish and Game: The Committee felt that the present bear hunting and baiting seasons covered by the 1991 legislation should be given more of an opportunity to work to be properly evaluated, and the legislation passed during the last session adequately addressed the concerns of the sponsor. Vote 14-0.

**HB 585-FN**, recodifying the laws relative to emergency medical services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marilyn P. Senter for Health, Human Services and Elderly Affairs: After reconsideration during recommittal of House Bill 585 of a late submitted amendment, the Committee adopted four additional paragraphs which more fully address the needs of our emergency medical services systems. Vote 11-2.

4607L

### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Recodification of Chapter. RSA 151-B is repealed and reenacted as to read as follows:

## **CHAPTER 151-B EMERGENCY MEDICAL SERVICES**

### **151-B:1 Declarations of Policy and Purpose.**

I. The general court declares that it is the policy of the state of New Hampshire to save lives and speed the healing of persons in need of medical services by providing an emergency medical services system that will bring an injured or sick person under the care of properly trained individuals in the shortest practical time, and that will provide safe transportation to the most appropriate treatment center prepared to receive the sick or injured person. It is the policy of the state of New Hampshire to insure that the sick or injured person is safely transported in properly equipped vehicles which are designed to supply supportive care and which are able to communicate with medical treatment centers.

II. The general court, recognizing that the provision of emergency medical services at the local level is a continuation of a long and valued tradition of neighbor helping neighbor that should be encouraged and maintained, and that the individual providers of emergency medical care must be part of a comprehensive system of care delivery, declares that it is the purpose of this chapter to assure the development, coordination and administration of an emergency medical services system that reflects the differing needs and abilities of the state's communities and regions.

III. The general court further recognizes that the delivery of adequate pre-hospital care is reliant on the thorough cooperation of the emergency medical care providers and, therefore, the general court urges the emergency medical care providers to cooperate with and follow the lead of the various hospitals in this state.

IV. The general court recognizes that volunteers make up a large portion of the staffing of the emergency medical service units, especially in the northern portion of the state. Therefore, the general court believes that the training levels for minimum certification as an emergency medical care provider should continue to allow future volunteer emergency medical care provider participation.

V. The general court declares that, to the extent it is possible, it is the policy of the state of New Hampshire to allow patients to be transported to the hospital of their choice in their area, if there is no compelling medical reason to the contrary. Further the general court declares that, if appropriate, durable power of attorney for health care and the living will statutes should be taken into consideration in providing emergency medical services.

### **151-B:2 Definitions. In this chapter:**

I. "Coordinating board" means the emergency medical services coordinating board established in RSA 151-B:3.

II. "Director" means the director of the division of public health services, department of health and human services.

III. "Division" means the division of public health services, department of health and human services.

IV. "Emergency medical care provider" means an employee or volunteer member of a public or private organization having responsibility for the delivery of health services to individuals experiencing acute illness or injury at a location other than a hospital or other medical facility. The term shall not include life guards at swimming facilities or members of ski patrols.

V. "Emergency medical services" means the pre-hospital assessment and treatment of a sick or injured individual initiated at the scene of an emergency and continued through the transport and transfer of the individual to a medical facility in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

VI. "Emergency medical service unit" means an organization, public or private, operating alone or as part of a larger organization, which has the responsibility to provide emergency medical services. The term shall not include ski patrols.

VII. "Emergency medical service vehicle" means a land, air, or water vehicle designed, equipped, and used for the transport of sick or injured individuals. The term shall not include specially designed, equipped or modified vehicles operated by public or private agencies for routine transport, without medical support or supervision, of disabled individuals.

VIII. "Facility" means a hospital as defined in RSA 151-C:2, XX.

IX. "Mass casualty incident" means any emergency event that cannot be resolved through the use of the emergency resources that are available locally on a regular daily basis.

X. "Medical advisory board" means the board established in RSA 151-B:5.

XI. "Medical control" means medical supervision and medical accountability for emergency medical care and includes direction and advice from a physician provided through:

(a) "Off-line" medical control which includes education, protocol development, critique, leadership, advice, and quality control.

(b) "On-line" medical control which exists when pre-hospital providers communicate directly with a physician or the physician designee at a receiving or medical resource hospital. Such direction may be based on the personal preference of the specific on-line physician, but more ideally it is based on protocols for the management of specific problems. This physician assumes responsibility and gives orders for individual patients care.

XII. "Patient" means an individual who, as a result of illness or injury, needs immediate medical attention, whose physical or mental condition is such that he is in imminent danger of loss of life or significant health impairment, or who may otherwise be incapacitated as a result of a physical or mental condition.

XIII. "Protocol" means a statewide standard, in the form of a written statement, specifying the situations under which specific emergency medical care is to be given by emergency medical care providers.

XIV. "Public agency" means the state or any of its political subdivisions, which provide police, firefighting, emergency medical, ambulance, or other emergency services.

XV. "Response expense" means reasonable costs incurred by a public agency in making an appropriate response to an incident. This definition shall include, but

not be limited to, the costs of police, firefighters, and rescue and emergency medical services, including the salaries of such persons.

151-B:3 Emergency Medical Services Coordinating Board.

I. The emergency medical services coordinating board is created, consisting of 15 members appointed as set out in paragraphs II and III.

II. The governor shall appoint persons to the board as follows:

(a) One member from the New Hampshire Ambulance Association.

(b) One member from the New Hampshire chapter of the American College of Emergency Physicians.

(c) One member from the New Hampshire Municipal Association.

(d) One member from the New Hampshire Hospital Association.

(e) One member from the New Hampshire Emergency Nurses Association.

(f) One member from the American Red Cross.

(g) One member from the New Hampshire Heart Association.

(h) One member from the New Hampshire Association of Fire Chiefs.

(i) One member from the New Hampshire Association of Emergency Medical Technicians.

(j) One member from the New Hampshire Medical Society.

(k) One member from the New Hampshire Paramedic Society.

(l) A representative from the medical advisory board.

(m) Three members from the general public, representing geographic divisions of the state.

III. Each member from subparagraphs (a)-(l) shall be nominated by the appropriate organization to the governor for appointment. The term of a member shall be 3 years or until a successor is appointed and qualified. The governor shall fill any vacancy in the same manner as the original appointment. In case of a vacancy other than by expiration of the term, the appointment shall be for the balance of the unexpired term and shall be considered a term for the purposes of the limitation on terms. No member shall serve more than 3 consecutive terms.

IV. The members of the board shall elect a chair and a vice-chair who shall both serve for a term of 2 years. The chief of the bureau established pursuant to RSA 151-B:7, I shall be the executive secretary of the board.

V. The board shall meet at least 4 times a year and at the call of the chair.

VI. Members shall receive no compensation.

151-B:4 Powers and Duties of the Coordinating Board. The board shall:

I. Develop and routinely update a plan for the operation of a statewide system of emergency medical services that reflects the abilities and needs of each municipality.

II. Routinely assess the delivery of emergency medical services, based on information and data provided by the division and from other sources the board deems appropriate, with particular attention to the quality and availability of care.

III. Propose to the director recommendations for rules required and other such rules as deemed necessary to carry out the purposes of this chapter.

IV. Approve rules proposed by the director prior to their adoption under RSA 541-A.

V. Designate emergency medical services regions and districts in the state, in accordance with RSA 151-B:6. The council established for a region shall include a licensed physician.

151-B:5 Medical Advisory Board; Chair; Duties; State Medical Director.

I. There is established a medical advisory board which shall consist of:



(a) A minimum of 5 physicians representing different geographic areas of the state who shall be nominated by the councils established under RSA 151-B:6 and confirmed by the board.

(b) The chief of the bureau, established pursuant to RSA 151-B:7, I, who shall serve as a nonvoting member and as executive secretary.

II. The terms of each member shall be 3 years. The chair shall be appointed by the director, and the appointed chair shall become the state medical director. The medical advisory board shall nominate one of its members to the governor for appointment to the coordinating board established in RSA 151-B:3.

III. The duties of the medical advisory board shall include, but not be limited to, the following:

(a) Assisting the coordinating board in the coordination of a system of comprehensive emergency medical services throughout the state.

(b) Providing technical services required by the bureau established pursuant to RSA 151-B:7, I and the coordinating board.

(c) Serving as a liaison with medical personnel throughout the state.

(d) Submitting all policies, guidelines, and rules concerning patient care issues to the coordination board.

151-B:6 Regions and Districts. The coordinating board shall delineate emergency medical services regions and districts and shall establish councils to oversee each designated area. The coordinating board shall assure that each council meets its responsibilities in a manner consistent with the emergency medical care needs of the area it serves. The council established for a region shall include a licensed, board-certified emergency physician or a licensed physician experienced in emergency medicine. The director shall implement the provisions of this section.

#### Powers and Duties of the Director of Public Health Services

##### 151-B:7 Duties of the Director.

I. The director is responsible for the statewide supervision of emergency medical services and all equipment and persons coming under the provisions of this chapter. The director shall establish a bureau of emergency medical services in the division. The individual responsible for the administration of the bureau shall be responsible to the director for routine day-to-day administration of the emergency medical services system in the state.

##### II. The director shall:

(a) Adopt rules, with the approval of the coordinating board, in accordance with RSA 151-B:18.

(b) Plan for the coordination of emergency medical services throughout the state with and between private units and local, county, and state agencies. Such a plan shall include provisions for response to mass casualty incidents. The plan shall be tested by exercises from time to time in coordination with other appropriate local and state agencies.

(c) Carry out public information and education relative to the availability and appropriate use of the emergency medical services system.

(d) Facilitate the establishment and maintenance of a communications network that addresses citizen access to the emergency medical services system and communications among emergency medical service units, health care facilities, and other local, county and state agencies involved in the care or transportation of persons in need of appropriate medical attention.

(e) Provide for the training and for the written and practical testing of emergency medical care providers, in accordance with RSA 151-B:9.

(f) License emergency medical care providers, emergency medical service units, and emergency medical service vehicles.

(g) Establish a data collection and analysis capability that provides for the evaluation of the emergency medical services system and for modifications to the system based on identified gaps and shortfalls in the delivery of emergency medical services. The data and resulting analysis shall be provided to the bodies established under this chapter, provided that such use does not violate the confidentiality of recipients of emergency medical care. The provisions of RSA 126 shall be followed with regard to other uses of this data for research and evaluation purposes, and for protecting the confidentiality of data in those uses. All analyses shall be public documents, provided that the identity of the recipients of emergency medical care are protected from disclosure either directly or indirectly.

(h) Carry out investigations as provided under RSA 151-B:12 and conduct hearings in accordance with rules adopted under RSA 541-A.

(i) Provide administrative support, within the limits of available funding, to the coordinating board, medical advisory board, and the councils.

III. The director, in carrying out his responsibilities under this section, shall routinely seek the advice and assistance of the coordinating board and the medical advisory board and shall accept and act upon the advice and guidance provided by these bodies that is consistent with the purposes of this chapter. The director shall incorporate the plan developed by the coordinating board under RSA 151-B:4, I, into the administration of this chapter, prepare budgets and grant requests for funds needed to maintain an effective emergency medical services system, and plan initiatives related to improving the general health of the public.

IV. The director may establish standing or ad hoc committees on a regional or statewide basis as he deems necessary.

#### Emergency Medical Services Licensure

151-B:8 Licensure of Emergency Medical Service Units and Emergency Medical Service Vehicles.

I. A person shall not engage in the business or service of providing emergency medical services or the transportation of patients, upon any public way of the state, unless he holds a license issued by the director for engaging in such a business or service.

II. A person shall not operate an emergency medical service vehicle on public ways in this state if the vehicle is not licensed as an emergency medical service vehicle by the director in accordance with this chapter.

III. The licensing requirements of this section shall not apply to out-of-state emergency medical service units which provide back-up services to New Hampshire emergency medical service units under written mutual aid agreements. In the event of a mass casualty incident, and if vehicles licensed under this chapter are not sufficient to transport the injured or sick, the vehicle licensing provisions of this chapter shall not apply for the period of the emergency.

IV. A license shall become invalid if there is any change of ownership of a licensed emergency medical service vehicle, or of a business or service operating as an emergency medical services unit.

V. No license shall be required under this section for an emergency medical service vehicle, its owners, the driver, or its attendants, if the vehicle is owned by a nonresident and is licensed as an emergency medical service vehicle in another state, and is being operated on the public ways of this state to transport patients who are picked up out of state and brought to treatment centers in this state.

VI. If there is a hardship imposed on any applicant for a license under this section because of an unusual circumstance, the applicant may apply to the director for a temporary waiver of the licensing provisions of this section. The director may for good cause waive the licensing provision of this section for a period not to exceed 90 days.

#### 151-B:9 Licensure of Emergency Medical Care Providers.

I. A person shall not provide emergency medical services as a paid or volunteer member of a public or private emergency medical services unit in this state, or as paid or volunteer member of any police or fire department who, as a condition of employment, may be expected to routinely provide emergency medical services in the line of duty, without being licensed by the director.

II. The director shall establish, by rule, levels of individual licensure and application forms for licensure under this section. He may use the guidelines established by the American College of Surgeons' Board of Regents as a standard or other such standards, except that a felony conviction shall not necessarily disqualify an applicant. The director shall establish a separate licensure category of advanced emergency medical care provider for individuals who are qualified as Emergency Medical Technician Intermediates, Paramedics, Registered Nurse Emergency Medical Technicians and Physician Assistant Emergency Medical Technicians.

III. Any applicant seeking a license under this section, other than an apprentice license, shall be 18 years of age or older. Nothing in this chapter shall be construed to prohibit persons under 18 years of age from enrolling in any course necessary for licensing.

IV. Persons seeking the minimum level of licensure shall be required to pass examinations, as set forth in rules adopted by the director.

V. If there is a hardship imposed on any applicant for a license under this section because of unusual circumstances, the applicant may apply to the director for a temporary waiver of the licensing provisions of this section. The director may for good cause waive the licensing provisions for this section for a period not to exceed 90 days.

VI. No license shall be required for students in established training programs leading to licensure as an emergency medical care provider, provided that the student is supervised in accordance with rules adopted under this chapter and the training program is authorized according to rules adopted under this chapter.

151-B:10 Authority for Licensed Advanced Emergency Medical Care Providers. An advanced emergency medical care provider licensed under this chapter may render advanced emergency medical care, rescue, and lifesaving services in those areas of training for which such person is licensed, as defined and approved in accordance with the rules adopted under this chapter, at the scene of an emergency, during transportation to a hospital or while in the hospital emergency department, until care is directly assumed by a physician or authorized hospital personnel, and within the hospital in accordance with hospital policies.

#### 151-B:11 Revocation of License.

I. The director shall deny an application for issuance or renewal of a license, or suspend or revoke a license, when the director finds that the applicant is guilty of any of the following acts or offenses:

- (a) Negligence or incompetency in performing authorized services.
- (b) Rendering treatment not authorized under this chapter.
- (c) Fraud in procuring a license.
- (d) Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of his profession, or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
- (e) The illegal use of drugs.
- (f) Fraud in representations as to skills or ability.
- (g) Willful or repeated violations of this chapter or of rules adopted pursuant to this chapter.
- (h) Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which relates to the practice of an emergency medical care provider. A certified copy of the record of conviction or plea of guilty is prima facie evidence of a violation.
- (i) Having a license or registration to practice as an emergency medical care provider revoked or suspended, or having other disciplinary action taken by a licensing or registering authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is prima facie evidence of such action.
- (j) Negligent, unsafe or illegal operation of an emergency medical service vehicle, or negligent or unsafe use or maintenance of the safety systems of an emergency medical service vehicle.
- (k) Unauthorized disclosure of information regarding an individual who has received care or the services rendered to an individual.
- (l) Conviction for driving while intoxicated.
- (m) Delivering emergency medical care while drug or alcohol impaired.

II. A determination of mental incompetence by a court of competent jurisdiction automatically suspends a license for the duration of the license, unless the director orders otherwise.

III. A denial, suspension, or revocation under this section shall be in accordance with RSA 541-A.

151-B:12 Investigations. The director shall investigate any complaint regarding the actions of any licensee licensed under this chapter or when he has reason to believe that any licensed or unlicensed individual or entity is in violation of this chapter or any rules adopted pursuant to this chapter.

151-B:13 Fees. The director may charge a fee for licensure of an emergency medical service unit, an emergency medical service vehicle, or an emergency medical care provider. However, no fee shall be charged to a nonprofit corporation or volunteer association.

151-B:14 Exception for Physician, Registered Nurse, and Physician Assistant.

I. This chapter shall not be construed to restrict a licensed physician, registered nurse, or physician assistant from serving on an emergency medical service unit at any level of licensure, provided that they have been certified by the director as having education and training appropriate to the delivery of emergency medical services. The director shall establish the qualifications required for such certification. The qualifications for certification shall be adopted as rule under RSA 151-B:18.



II. A physician, registered nurse, or physician assistant providing services in accordance with this section shall be immune from liability under RSA 151-B:15. Nothing in this section shall be construed as restricting the authority or practice of any registered nurse, who cares for any patient while that patient is being transported by an emergency medical service vehicle, or other means of conveyance, from one hospital to another hospital under orders from a physician caring for that patient.

**151-B:15 Liability.**

I. No approved emergency medical services training program nor any entity or person participating as part of an approved educational program, as authorized by this chapter, shall be liable for any civil damages as a result of teaching or following primary and continuing educational practices as taught to and practiced by enrolled students under proper supervision, unless guilty of gross or willful negligence.

II. No licensed emergency medical care provider who in good faith attempts to render emergency medical services authorized by this chapter at an emergency scene while en route to a place of employment shall receive any form of reprimand or penalty by an employer as a result of late arrival at the place of employment. An employer may request written verification from any such licensed emergency medical care provider, who shall obtain the written verification from either the police officer, fire officer, or emergency medical services personnel in charge at the emergency scene.

III. No person who is an emergency medical services instructor or assistant instructor employed or retained by the division of public health services or who is an emergency medical services instructor or assistant instructor employed or retained by a hospital, nonprofit fire department or emergency medical service unit shall be held personally liable in any action to recover for personal injury, bodily injury or property damage arising out of any act performed or occurring in the furtherance of his official educational or training duties and responsibilities. Nothing in this section shall affect the liability of such person for damages arising out of willful misconduct, gross negligence, or providing educational or training services while under the influence of drugs or alcohol.

IV. The division, its employees, and individuals under contract to the division for the purpose of administering or proctoring examinations, either written or practical, shall be held harmless in any lawsuit alleging that the testing was insufficient, inappropriate, or in any way deficient, if carried out in accordance with rules adopted under RSA 151-B:18, VIII. This paragraph shall not hold harmless any individual charged with conducting written or practical examinations who is negligent in his actions.

**151-B:16 Limitation of Liability for Failure to Obtain Consent.** No licensed emergency medical care provider or any health professional shall be subject to civil liability based solely upon failure to obtain consent in rendering emergency medical services to any person, regardless of age, where the person is unable to give consent for any reason, including minority, and where there is no other person reasonably available who is legally authorized to give consent to the providing of such care, provided that the licensed emergency medical care provider, or health professional, has acted in good faith without knowledge of facts negating consent.

**151-B:17 Mutual Aid.**

I. The system of emergency medical services in this state shall include provisions for appropriate system response to incidents beyond the resource capabilities of individual emergency medical service units available on a regular daily basis. Written

mutual aid arrangements may be established with neighboring emergency medical services systems to insure integration of care and shall consider the role of non-emergency medical services public safety agencies, their roles, relationships, and responsibilities in standard operation. A written mutual aid arrangement shall specify who shall be responsible for the direction of medical care at the scene. In the absence of a written agreement, while in the performance of their duties extending emergency medical services in a mutual aid situation, emergency medical care providers shall be under the overall direction of the local authority having jurisdiction but subject to medical control, as defined under RSA 151-B:2, XI, and such providers shall have the immunities and privileges as if performing the same duties within their respective service areas.

II. Any emergency medical service unit may enter into a mutual aid agreement with other emergency medical service units, within or outside the state, for purposes of rendering aid.

III. Nothing in this chapter shall be construed to prohibit any emergency medical service unit extending such aid from donating equipment and services and assuming the damage or loss to such equipment or personnel. Any mutual aid agreement may authorize the head of the emergency medical service unit to extend such aid, subject to such conditions and restrictions, as may be prescribed in the agreement.

IV. There shall be no liability imposed by law on the emergency medical service unit, on any municipality, or on the personnel of the emergency medical service unit, for failure to respond or to respond reasonably for the purpose of rendering aid under a mutual aid agreement. This immunity is not intended to be exclusive of other immunities existing by statute, or at common law.

151-B:18 Rulemaking. The director shall adopt rules, under RSA 541-A, relative to:

I. The licensing and operation of emergency medical service units, emergency medical service vehicles, and emergency medical care providers, including advanced emergency medical care providers.

II. Protocols for provision of emergency medical care, which shall provide for the adoption of local options under medical control. The protocols shall address living wills established under RSA 137-H and durable powers of attorney for health care established under RSA 137-J.

III. Necessary equipment and staffing for emergency medical service vehicles, including standards of suitability for such vehicles used in the transportation of patients in relation to health, sanitation, safety, communications, maintenance, on-board medical equipment, safety equipment, extrication equipment, markings, garaging conditions, and care and condition of the emergency medical service vehicle and its equipment.

IV. Reporting by emergency medical service units and maintenance of patient records, including protecting the confidentiality of patient records'.

V. Length of licensure and procedures for issuance, renewal, limitation, suspension, and revocation of licensure authorized under this chapter.

VI. Levels of qualifications for licensure, including demonstration of coverage for financial liability.

VII. Procedures for hearings and investigations.

VIII. Training, including training programs for students, testing and student supervision.

IX. Communication.

X. Patient triage and transfer.

XI. Mass casualty response.

XII. Certification standards for licensed physicians, registered nurses, and physician assistants, in accordance with RSA 151-B:14.

XIII. Fees required under this chapter.

XIV. Operation of emergency medical care units.

XV. Responsibilities and authority for councils established under RSA 151-B:6.

XVI. Methods of providing data to bodies established under this chapter while maintaining confidentiality as required under RSA 151-B:7, II(g).

XVII. What constitutes good cause for waiver of a license under RSA 151-B:8, VI and 151-B:9, V.

151-B:19 Prohibited Acts; Penalties.

I. Any person providing emergency medical services who knowingly implies he is a licensed emergency medical care provider, or who uses any other term to indicate or imply that the person is a licensed emergency medical care provider, or who acts as a licensed emergency medical care provider, without having obtained the appropriate license under this chapter, shall be guilty of a misdemeanor for the first offense and a class B felony for subsequent offenses.

II. An owner of an emergency medical service unit or vehicle who operates or purports to operate an emergency medical services unit or vehicle, or who uses terms to indicate or to imply such licensure without having obtained the appropriate license under this chapter, shall be guilty of a misdemeanor for the first offense and a class B felony for subsequent offenses.

#### Reimbursement for Public Agency Response Services

151-B:20 Statement of Intent. This subdivision is intended to provide for the recovery of expenses of a public agency response which are due to certain actions of persons which result in a public agency response. This subdivision shall not be construed to replace any other provisions of civil or criminal law relating to the recovery of such expenses.

151-B:21 Responsibility for Public Agency Response Services.

I. A person shall be liable for response expenses if, in the judgment of the court, he:

(a) Negligently operates a motor vehicle, boat, off highway recreational vehicle, or aircraft while under the influence of an alcoholic beverage or controlled drug and thereby proximately causes any incident resulting in a public agency response;

(b) Takes another person or persons hostage or threatens to harm himself or another person, thereby proximately causing any incident resulting in an appropriate public agency response; or

(c) Recklessly or intentionally creates a situation requiring an emergency response.

II. A person's liability under this subdivision for response expenses shall not exceed \$10,000 for any single public agency response incident.

151-B:22 Collections; Insurance. The response expense shall be a debt owed by the person responsible and shall not be paid by an insurance company. The public agency which incurred the expense may collect the debt in the same manner as in the case of an obligation under a contract, expressed or implied. Public agency expenses may include reasonable attorney fees.

151-B:23 Admissibility in Criminal Proceedings. Any testimony, admission, or other statement made by the defendant in any civil proceeding brought pursuant to this subdivision, or any evidence derived from such proceeding, shall not be admitted or otherwise used in any criminal proceeding arising out of the same incident.

151-B:24 Court Order. When a person is sentenced for any criminal offense which resulted in a public agency response, the sentencing court may order that the person be required to pay the expenses of any public agency response or to perform up to 500 hours of uncompensated community service.

## 2 Rulemaking.

I. Until rules are adopted under RSA 151-B as amended by section 1 of this act, emergency medical providers shall comply with the rules in effect on the effective date of this act for former RSA 151-B.

II. The director of the division of public health services shall initiate the rulemaking process under RSA 541-A for the new rules required under RSA 151-B:18 in section 1 of this act 6 months before the effective date of this act.

3 Coordinating Board Members. The members currently serving on the emergency medical services coordinating board shall fulfill their appointed terms and may be reappointed for new 3-year terms.

4 Medical Advisory Board Members. The initial appointments of the members of the medical advisory board established in RSA 151-B:5 in section 1 of this act shall be as follows as nearly as possible: one-third of the members shall serve for 3 years; one-third shall serve for 2 years; and one-third shall serve for one year.

5 Reference Change. Amend RSA 21-N:9, II(s) to read as follows:

(s) Certification standards for educational personnel, including teachers, para-professionals, superintendents, assistant superintendents, teacher consultants, business administrators, principals, vocational directors, administrative associates, coordinators of comprehensive health education and services, directors of pupil personnel services, guidance directors, guidance counselors, school psychologists, associate school psychologists, school physicians, school dentists, [paramedics] *emergency medical care providers*, dental hygienists, social workers, health educators, physical education teachers, home economics teachers, elementary teachers, school nurses, specialists in assessment of intellectual functioning, media supervisors, media generalists and media educational associates, as authorized by RSA 186:8 and RSA 186:11, X.

6 Reference Change. Amend RSA 107-C:10, IV to read as follows:

IV. Dentists licensed in this state, nurses registered in this state, student nurses undergoing training at a licensed hospital in this state, *or* emergency medical [technicians or paramedics] *care providers licensed under RSA 151-B*, during any emergency, shall be regarded as authorized emergency management workers and while so engaged may practice, in addition to the authority granted them by other statutes, administration of anesthetics; minor surgery; intravenous, subcutaneous, and intramuscular procedures; and oral and topical medication under the general but not necessarily direct supervision of a member of the medical staff of a legally incorporated and licensed hospital of this state, and to assist such staff members in other medical and surgical procedures.

7 Reference Change. Amend RSA 318-B:2-b, IV to read as follows:

IV. An [emergency medical technician-paramedic] *advanced emergency medical care provider* who, upon receipt directly or by phone or by radio or by other communication medium of directions to do so from the supervising physician, administers



a substance which he represents to be or to contain a controlled drug, but which in fact neither is nor contains a controlled drug, to a patient for a bona fide therapeutic purpose.

8 Reference Change. Amend RSA 318-B:10, V to read as follows:

V. A paramedic who has been approved and certified by the board of registration in medicine as an *advanced* emergency medical [technician-paramedic] *care provider* may possess, for emergency use only, such prescription drugs as are agreed upon jointly by the state board of registration in medicine and the pharmacy board. The paramedic may administer such prescription drugs upon receipt directly or by telephone or by radio or by other communication medium of directions to do so from the supervising physician.

9 Emergency Medical Providers Deleted. Amend the introductory paragraph of RSA 329:21, XII to read as follows:

XII. To such [emergency medical technicians-paramedics or other] paramedical personnel as have been approved and certified by the board while under the supervision and control of a physician licensed in this state, but only if such person:

10 New Paragraph; Emergency Medical Services Personnel. Amend RSA 329:21 by inserting after paragraph XIII the following new paragraph:

XIV. To such emergency medical services personnel as are approved and licensed by the director of the division of public health services under RSA 151-B.

11 Reference Changes. Amend RSA 508:12-a, I and II to read as follows:

I. No licensed physician, registered nurse or hospital shall be liable in a suit for damages as a result of any act or omission related to advice, consultation or orders given in good faith to [driver-attendants or attendants licensed under RSA 151-B:13 who are acting on behalf of an ambulance service licensed under RSA 151-B:11, or to emergency medical technicians-paramedics who have been approved and certified by the board of registration in medicine] *emergency medical care providers licensed under RSA 151-B*, by radio, telephone or other remote means of communication under emergency conditions and prior to arrival of the patient at the hospital, clinic, office or other health facility from which the emergency communication to the [driver-attendant, attendant or emergency medical technician-paramedic] *emergency medical care provider* is made, unless the act or omission was a result of gross negligence or willful misconduct.

II. No [driver-attendant, attendant or emergency medical technician-paramedic] *emergency medical care provider licensed under RSA 151-B* shall be liable in a suit for damages as a result of any act or omission made within the level of his training and certification and in good faith based upon advice, consultation or orders by remote communication as described in paragraph I unless said act or omission was a result of gross negligence or willful misconduct.

12 Effective Date. This act shall take effect January 1, 1993.

**HB 1103-FN-L**, requiring any animal which has bitten a human being to be tested for rabies. INEXPEDIENT TO LEGISLATE.

Rep. Irene C. Domini for Health, Human Services and Elderly Affairs: The Committee was asked to vote House Bill 1103 Inexpedient to Legislate by the sponsor because a more comprehensive bill (SB 399) is coming from the Senate. Vote 13-0.

**HB 1243**, revising the Patients' Bill of Rights. OUGHT TO PASS WITH AMENDMENT.

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: All aspects of New Hampshire's professional health community and private citizens as well support the changes in the "Patients' Bill of Rights." The changes guarantee that the patient, regardless of barriers of receptiveness or communication, fully understands what he is entitled to or will receive. Vote 13-0.

4541L

#### Amendment

Amend RSA 151:21, II and III as inserted by section 1 of the bill by replacing them with the following:

II. The patient shall be fully informed of a patient's rights and responsibilities and of all procedures governing patient conduct and responsibilities. This information must be provided orally and in writing before or at admission, except for emergency admissions. Receipt of the information must be acknowledged by the patient in writing. When a patient lacks the capacity to make informed judgments the signing must be by the person legally responsible for the patient.

III. The patient shall be fully informed in writing in language that he can understand, before or at the time of admission and as necessary during his stay, of the facility's basic per diem rate and of those services included and not included in the basic per diem rate. A statement of services that are not normally covered by medicare or medicaid shall also be included in this disclosure.

Amend the bill by replacing section 2 with the following:

2 Repeal. RSA 151:21-a, relative to an exemption for acute care hospitals, is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill makes certain changes in and clarifies the Patients' Bill of Rights.

This bill also repeals the exemption, relative to certain provisions of the patient's rights law, for acute care hospitals.

The bill is the result of a study committee established under 1991, 365.

**HB 1249-FN**, establishing a voluntary certification program for health care providers and mandating the exclusion of certain health care providers who test positive for AIDS. INEXPEDIENT TO LEGISLATE.

Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs: The Committee voted 14-1 Inexpedient to Legislate after nine spoke in opposition to the bill and only the sponsor voted for it.

**HB 1147**, creating a committee to study redrawing county boundaries. INEXPEDIENT TO LEGISLATE.

Rep. John A. Middleton for Municipal and County Government: The Committee feels that a study redrawing the county boundary lines is not necessary. The sponsor brought this bill as one individual. No one else spoke in favor. One person representing the New Hampshire Association of Counties opposed the bill. It could cause an indeterminate amount of funds to be expended, if implemented. Vote 15-0.

**HB 1328-FN**, relative to the fiscal responsibilities of the county commissioners and the county convention for capital expenditures in Rockingham county. OUGHT TO PASS.

Rep. Kenneth L. Weyler for Municipal and County Government: This bill requires the County Commissioners of Rockingham County to deliver or mail to each member of the Rockingham County Convention an estimate of capital expenditures for the following fiscal year, when the total project amount is in excess of \$50,000. With more than 80 members on the County Convention, capital expenditures are often dealt with on a subcommittee level. The large effects of these capital expenditures on the county budget need the full support of the entire delegation. The notification requirement of this bill will highlight to both the commissioners and the delegation the substance and import of these decisions. All testimony was favorable. Vote 15-0.

**HB 1405**, relative to appeal of tax assessments to the board of tax and land appeals and the superior court. OUGHT TO PASS WITH AMENDMENT.

Rep. Richard A. Grodin for Municipal and County Government: This bill eliminates unexpected consequences of Committee of Conference action during the 1991 session. The purpose of the bill is to eliminate a necessity for a property owner to file a second or subsequent appeal if the Board of Tax and Land Appeals has not acted on an original appeal before a subsequent tax bill is issued. The amendment allows the Board or the court to retain jurisdiction to be sure abatements, if granted, take place. All testimony was in favor. Vote 14-0.

4522L

#### Amendment

Amend RSA 76:17-c as inserted by section 3 of this bill by inserting after paragraph II the following new paragraph:

III. The board of tax and land appeals and the superior court shall retain continuing jurisdiction over any abatement granted by them pursuant to RSA 76:16-a or 76:17 respectively, for purposes of enforcing the requirements of this section.

**HB 1145**, establishing a study committee to study the feasibility of making the Gunstock Ski Area a state ski area. INEXPEDIENT TO LEGISLATE.

Rep. Steven R. Maviglio for Resources, Recreation and Development: Although the Committee shares the concerns of the sponsors about the Gunstock Recreation Area's debt burden on Belknap County taxpayers, it does not believe that a study that examines state ownership of another ski area would be fruitful at this time. The Department of Resources and Economic Development, which operates the Sunapee and Cannon Ski areas, opposes the study. Gunstock management also was opposed, believing that the study would damage the area's marketability at a time when it needs revenue more than ever. Vote 15-0.

**HB 1158**, repealing notice requirements for encroachment waivers. INEXPEDIENT TO LEGISLATE.

Rep. John B. Young for Resources, Recreation and Development: If passed, House Bill 1158 would prevent local code enforcement officers and adjacent landowners from being notified by abutters that a waiver for a sewage or waste disposal system has been requested, Vote 16-0.

**HB 1265-FN**, regulating small motor mineral dredging and panning. OUGHT TO PASS WITH AMENDMENT.

Rep. Mary Ann Lewis for Resources, Recreation and Development: House Bill 1265, as amended, is the result of a study committee set up by House Bill 443 (1991). It has the support of the recreational prospectors and the Department of Environmental Services. No one appeared in opposition to it. Vote 12-0.

4573L

#### Amendment

Amend the bill by replacing all after section 1 with the following:

2 Wetlands Board Use of Certain Fees. Amend RSA 482-A:3, III to read as follows:

III. Ten dollars of each filing fee collected pursuant to [paragraph] *paragraphs I and XI(h)* is appropriated to and shall be expended by the wetlands board for per diem and expenses of the public members in reviewing applications and activities relative to the wetlands of the state. The remainder of the filing fee shall be expended by the wetlands board for conducting field investigations and public hearings. Such fees shall be held by the treasurer in a nonlapsing fund identified as the wetlands board review fund.

3 New Paragraph; Small Motor Mineral Dredging Permits. Amend RSA 482-A:3 by inserting after paragraph X the following new paragraph:

XI.(a) Small motor mineral dredging shall be limited to activities which are classified as minimum impact under rules adopted by the wetlands board under RSA 482-A:11 and which do not exceed the following limits:

- (1) Power equipment shall be limited to 5 horsepower.
- (2) Suction dredges shall be limited to a single 4-inch diameter intake nozzle.
- (3) Sluice and rocker boxes shall be limited to 10 square feet.

(b) Any person who wishes to engage in small motor mineral dredging shall obtain a permit from the wetlands board. Any permit issued by the wetlands board under this paragraph shall expire at the end of the calendar year in which it is issued. Any person who engages in panning only shall not be required to obtain a permit but shall be subject to rules of the wetlands board. Panning shall include those activities associated with the manual search for minerals in a river bed without the use of motorized equipment.

(c) Any person wishing to engage in mineral dredging which in any way exceeds the limits of small motor mineral dredging shall first obtain, in addition to a wetlands board permit, a mining permit from the department of resources and economic development pursuant to RSA 12-E.

(d) The wetlands board shall adopt rules, under RSA 541-A, relative to:

- (1) Small motor mineral dredging and panning.
- (2) The issuance of statewide small motor mineral dredging permits.
- (3) Any other matters relative to small motor mineral dredging and panning.

(e) The state shall retain the right to prohibit panning and mineral dredging activity at certain times or in certain locations when such activity would be detrimental to the public interest for reasons including, but not limited to, environmental and wildlife protection.

(f) Any person who has obtained a small motor mineral dredging permit from the wetlands board pursuant to this paragraph, or any person who intends to engage in any panning activity shall, prior to engaging in any small motor mineral dredging or



panning activity, obtain the written permission to engage in such activity from the riverbed landowner on whose property the activity is to be conducted.

(g) The wetlands board may enter into a cooperative agreement with the fish and game department relative to enforcement of the provisions of this paragraph.

(h) Application fees shall be \$25 for residents of the state of New Hampshire and \$50 for out-of-state applicants. Fees shall be collected by the wetlands board and held in accordance with paragraph III. Small motor mineral dredging permits shall be valid for a period of one year.

4 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill:

(a) Requires any person who engages in a small motor mineral dredging activity to obtain a permit from the wetlands board.

(b) Sets the fee for a mining permit application at \$25 for in-state and \$50 for out-of-state residents, which fees shall be collected and held by the wetlands board for its own use.

(c) Designates panning as a small motor activity not requiring a small motor mineral dredging permit.

(d) Requires any person who has obtained a small motor mining permit or any person who engages in panning to obtain the written permission of the riverbed landowner on whose property the mining or panning is to be done, unless the property is public land.

(e) Authorizes the wetlands board to adopt rules relative to small motor mineral dredging permits.

(f) Exempts small motor mineral dredging from the mining permit requirements of RSA 12-E.

Referred to Appropriations.

**HB 1119**, relative to the New Hampshire automated information system board. OUGHT TO PASS.

Rep. Scott E. Green for State Institutions and Housing: There were some gaps in the legislation that originally created the New Hampshire Automated Information System Board. This bill fills those gaps. Vote 11-0.

**HB 1184-FN**, relative to special number plates for certain veterans. REFER FOR INTERIM STUDY.

Rep. Roger D. Stewart for Transportation: The Legislature authorized special number plates for recipients of the Purple Heart medal. This bill would authorize a special plate for the recipients of this medal along with other medals such as the Medal of Honor, the Service Cross, the Distinguished Service Medal, Legion of Merit and the Bronze Star among others. Additional study time is necessary to evaluate the various awards and to conceive a possible design for this special plate. The Committee agreed with further study. Vote 13-2.

**HB 1232-FN**, establishing service organization anniversary motor vehicle plates. INEXPEDIENT TO LEGISLATE.

Rep. Emma M. Dodge for Transportation: The bill requested anniversary plates for certain service organizations from the Director of Motor Vehicles. This can be accomplished through rulemaking procedures, therefore, the sponsor withdrew the bill. Vote 15-0.

**HB 1424**, changing certain definitions and penalties in the laws concerning emergency motor vehicle operation. REFER FOR INTERIM STUDY.

Rep. George N. Katsakiores for Transportation: With the emergence of another level of emergency response vehicles to better attend to serious injury cases, there appears to be a need to address those vehicles as to the need for lights and sirens. Consequently the Committee felt that with additional research and study in the interim, a responsible statute could be developed to best serve the needs of the people in regard to emergency response vehicles. Vote 15-0.

**HB 1055-FN-A**, relative to the telephone property tax. INEXPEDIENT TO LEGISLATE.

Rep. Douglass P. Teschner for Ways and Means: In view of the changes in the State's financial situation (as a result of the Medicaid money), the Governor's office requested that its bill be withdrawn. The Committee considered this issue last year and was not in favor of reinstituting this telephone property tax in light of the telephone tax changes implemented in the last biennium. Vote 12-0.

**HB 1472-FN-A-L**, providing for property tax relief financed by a credit card use tax. INEXPEDIENT TO LEGISLATE.

Rep. Douglass P. Teschner for Ways and Means: While many members of the Committee agree with the sponsor's aim of providing property tax relief through a "circuit-breaker" mechanism, there was unanimous agreement that it would be unsound tax policy to implement the proposed funding mechanism (a one-percent tax on credit card use). This tax would be a sales tax on New Hampshire residents only. Also, constitutional questions regarding nexus were raised at the public hearing. Vote 13-0.

**HB 1486-FN-A-L**, relative to a one percent state income tax and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. Shawn N. Jasper for Ways and Means: While the Committee appreciates the effort of the sponsor to offer solutions to the State's long-term fiscal woes, this bill did not receive the support of the Committee. Aside from being an income tax which the Committee does not presently favor, the bill gave rise to other concerns. The money raised by this bill would first go to balance the State budget and only excess money would go to the cities and towns. The major concern with this provision would be that the State would continually spend all of the monies raised and little, if any, would ever be returned to the municipalities. Vote 13-0.

### REGULAR CALENDAR

**HB 264-FN-A**, placing hazardous waste transporter permit application fees in the hazardous waste cleanup fund. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. Charles L. Vaughn for Appropriations: This bill places hazardous waste transporter permit fees into the hazardous waste cleanup fund (HWCF) — a dedicated waste cleanup fund established in 1983 under provisions of RSA 147-B:3. General funds are not affected as the bill transfers restricted PAU funds in the 1992-93 operating budget into the HWCF fund effective July 1, 1993. The bill also places a cap of \$600,000 on the use of fund money to maintain fiscal control of expenditures. Vote 16-1.

4590L

**Amendment**

Amend the bill by replacing section 3 with the following:

3 Fund Cap Amount Increased. Amend RSA 147-B:6, IV to read as follows:

IV. The division of waste management may use up to [\$325,000] **\$600,000** per year from the fund to pay for permitting, administrative and enforcement costs associated with the fund.

**AMENDED ANALYSIS**

This bill places all hazardous waste transporter permit application fees in the hazardous waste cleanup fund. This bill adds definitions relative to hazardous waste and increases the limit on the use of fund moneys by the division of waste management from \$325,000 to \$600,000.

Adopted.

Report adopted.

Ordered to third reading.

**HB 497-FN-A**, relative to an equipment challenge grant program for vocational and technical education programs and making an appropriation therefor. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. Mary Jane Wallner for Appropriations: The \$1.00 appropriation has been removed from this bill. The \$1.00 would have opened a line in the budget which might have future funding implications. Also, reference to funding a project director has been removed. Vote 15-0.

4589L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to an equipment challenge grant program for vocational and technical education programs.

Amend the section heading of RSA 188-F:42 as inserted by section 2 of the bill by replacing it with the following:

188-F:42 Committee Established; Members.

Amend RSA 188-F:42, III as inserted by section 2 of the bill by replacing it with the following:

III. The state council for vocational education will provide technical assistance and limited resources. Action committees shall be appointed in each of the 3 program areas by the steering committee to give specific advice and direction to the steering committee. Each action committee shall be chaired by a member of the steering committee and shall include at least one additional member of the steering committee, along with representatives of those affected by each program and individuals who have expertise in those areas.

Amend the bill by deleting section 3 and renumbering section 4 to read as 3.

**AMENDED ANALYSIS**

This bill creates a steering committee which shall be responsible for directing and developing an equipment challenge grant program for vocational and technical education programs.

The committee shall focus on establishing the following 3 programs: a program for a vocational-technical resource collaborative, a program for educational administrators training initiative, and an instructional equipment needs challenge grant program.

The steering committee shall submit a report no later than October 1, of each subsequent biennium. The report shall include the committee's progress in the establishment of the 3 programs outlined and recommendations for their continued development.

Adopted.

Report adopted.

Ordered to third reading.

**HB 505-FN**, relative to the normal yield tax, the extension of the reporting deadline for the study committee on clearcutting forest resources, the report of cut, and establishing a forest management and protection fund.(A) OUGHT TO PASS WITH AMENDMENT.

Rep. Merle W. Schotanus for Appropriations: The Appropriations Committee amendment to this bill removes the funding and recommends establishment of a combined legislative/forest industry study committee to determine the most appropriate organization and funding mechanism for protection, management, and law enforcement of state-owned forest resources. The study committee is required to report its recommendations for consideration in the FY 94-95 budget. Vote 17-2.

4602L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the normal yield tax, the extension of the reporting deadline for the study committee on clearcutting forest resources, the report of cut, and creating a committee to study forest protection and management.

Amend the bill by replacing all after section 2 with the following:

3 Reporting Deadline Extended. Amend 1991, 375:2, III to read as follows:

III. The study committee shall also investigate the findings on clearcutting of other New England states, and its recommendation shall be in the form of a report to be submitted by November 1, [1991] **1992** to the governor, the president of the senate, and the speaker of the house. A study committee goal will be to distribute this report to the general public as widely as possible, using ongoing appropriate public and private program efforts.

4 Study Committee Established.

I. There is hereby established a committee which will study and consider the need for legislation regarding the appropriate organization and funding of forest protection, forest management, and forest law enforcement relating to state-owned forest resources.

II. The study committee shall be composed of the following members:

(a) Two members of the house appropriations committee, appointed by the speaker of the house.

(b) One member of the senate, appointed by the president of the senate.

(c) One member of the house resources, recreation, and development committee, appointed by the speaker of the house.



(d) The director of the division of forest and lands, or designee.

(e) One member of the New Hampshire Timberlands Owners Association, appointed by the association.

(f) One member of the Society for the Protection of New Hampshire Forests, appointed by the association.

(g) One member of the Granite State Division of the Society of Forests, appointed by the division.

(h) One member of the New Hampshire Association of Conservation Commissioners, appointed by the association.

(i) One member of the New Hampshire Municipal Association, appointed by the association.

(j) One person representing the office of state planning, appointed by the governor.

(k) One person representing the land conservation investment program, appointed by the governor.

(l) One member of the New Hampshire Consulting Foresters' Association, appointed by the association.

III. The first meeting of the committee shall take place within 30 days after the effective date of this act. The committee shall elect a chairman at its first meeting.

IV. The committee shall submit a report of its findings and recommendations to the governor, the speaker of the house, and the president of the senate no later than November 1, 1992.

V. The legislative members of the committee shall be entitled to legislative mileage when performing duties in connection with the committee.

5 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill:

(a) Exempts any landowner who owns land in the town in which the landowner intends to cut growing wood or timber from posting a bond prior to engaging in the cutting, unless it shall occur on public lands.

(b) Extends the reporting deadline for the study committee on clearcutting forest resources from November 1, 1991, to November 1, 1992.

(c) Requires filing of a report of cut within 30 days of the completion of valid cutting operations.

(d) Establishes a committee to study the appropriate organization and funding for forest protection, forest management, and forest law enforcement relating to state-owned forest resources.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1325-FN**, transferring the amount above legislative estimates in the vanity plate fund from the general fund to the highway fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Elizabeth Hager for Appropriations: There is split opinion as to whether vanity plate proceeds (above what goes to driver's education) ultimately belong in the general fund or the highway fund. The majority of the committee believes, however,

that at this time we can not afford the transfer of \$750,000 from the troubled general fund to the solvent highway fund. Vote 13-8.

Adopted.

**HB 740-FN**, relative to campaign expenditures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick A. Trombly for Constitutional and Statutory Revision: This bill amends the Campaign Finance Law by increasing the amount Executive Council, General Court and County Officers may spend in a primary and general election. Fines for violating the Finance Law are also increased. Vote 16-1.

4498L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to increasing political expenditure limitations for certain  
candidates and relative to the penalty for exceeding total  
expenditure limitations.

Amend the bill by replacing all after the enacting clause with the following:

1 Political Expenditure Limitations for Executive Council Candidates. Amend RSA 664:5-b, III to read as follows:

III. For executive council:

(a) [\$35,000] **\$50,000** in a state primary election.

(b) [\$35,000] **\$50,000** in a state general election.

2 Political Expenditure Limitations for State Representative and County Office Candidates. Amend RSA 664:5-b, V to read as follows:

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(a) [\$ .25] **\$.50** per registered voter in the district or the county in a state primary election.

(b) [\$.25] **\$.50** per registered voter in the district or the county in a state general election.

3 Increasing Fines for Exceeding Total Political Expenditure Limitations. Amend RSA 664:21, I(a)-(e) to read as follows:

(a) Candidates for United States Senate and governor:

under \$ 1,000 - one percent

\$ 1,000 - \$ 5,000 - 10 percent

\$ 5,000- \$10,000 - 25 percent

**\$10,000 - \$50,000 - 50 percent**

over [\$10,000] **\$50,000 - [50] 100 percent**

(b) Candidates for representative to Congress:

under \$ 1,000 - one percent

\$1,000 - \$ 5,000 - 10 percent

\$5,000 - \$10,000 - 25 percent

**\$10,000 - \$25,000 - 50 percent**

over [\$10,000] **\$25,000 - [50] 100 percent**

(c) Candidates for executive council and county officers:

under \$ 500 - one percent

\$ 500 - \$1,000 - 10 percent

\$1,000 - \$5,000 - 25 percent

**\$5,000 - \$10,000 - 50 percent**over [\$5,000] **\$10,000 - [50] 100 percent**

(d) Candidates for state senate:

under \$ 100 - one percent

\$100 - \$ 500 - [5] **10 percent**\$ 500 - \$1,000 - [10] **25 percent****\$1,000 - \$5,000 - 50 percent**over [\$1,000] **\$5,000 - [50] 100 percent**

(e) Candidates for the general court:

under \$ 100 - one percent

\$100 - \$ 250 - [one] **10 percent****\$250 - \$ 500 - 25 percent****\$500 - \$1,000 - 50 percent**over [\$ 250] **\$1,000 - [one] 100 percent**

4 Effective Date. This act shall take effect upon its passage.

**AMENDED ANALYSIS**

This bill amends the law on political expenditure limitations by:

(1) Increasing the amount which candidates for executive council representative to the general court, and county office may spend in state primary and general elections.

(2) Increasing the fines assessed against all candidates for exceeding their total political expenditure limitations.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1386-FN-A**, establishing a foundation aid formula study committee, authorizing the committee to hire a consultant to study different methods of financing education and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Nils H. Larson for Education: This bill will implement the recommendations of the Study Committee established in the last session. Some aberrations in the Foundation Aid Formula must be addressed in order to assure a more proper distribution of funds. The Fiscal Note calls for state expenditures of \$50,000 in FY '93. Vote 17-0.

Adopted.

Referred to Appropriations.

**HB 1398-FN-L**, prohibiting charging to counties the cost for testing certified nursing assistants in nursing homes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gordon E. Wiggin for Health, Human Services and Elderly Affairs: This bill provides that all expenditures and costs incurred in carrying out the examination of certified nursing assistants in all Medicaid nursing homes, except for the costs which must be borne by the certified nursing assistants themselves, shall be made and paid for by the Department of Health and Human Services. Vote 9-3.

4558L

**Amendment**

Amend the bill by replacing section 1 with the following:

1 New Section; Costs for Examination of Certified Nursing Assistants. Amend RSA 167 by inserting after section 18-g the following new section:

167:18-h Payment of Costs for Examination of Certified Nursing Assistants. All expenditures and costs incurred in carrying out the examination of certified nursing assistants in medicaid nursing homes, except for the costs which must be borne by the

assistants themselves, shall be made and paid for by the department of health and human services. Counties shall not be charged for and shall not be required to reimburse the department for any of the administrative costs associated with the examination of certified nursing assistants.

#### AMENDED ANALYSIS

This bill provides that all expenditures and costs incurred in carrying out the examination of certified nursing assistants in all medicaid nursing homes, except for the costs which must be borne by the assistants themselves, shall be made and paid for by the department of health and human services.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 1363-FN-L**, establishing a crimeline fund and levying a penalty assessment to administer crimelines. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. Daly, Jr. for Public Protection and Veterans Affairs: The so called "crimeline" is a method of allowing residents of a municipality to communicate, in a confidential manner, with their respective police departments. As this is strictly intra-municipality, there is no cogent rationale for the state to provide funding, through penalty assessment, for such telephone service. Further, the contemplated use of "penalty assessment funds" for the proposed crimelines would eventually result in the "well going dry." Court fines (which are the source of penalty assessment funds) have decreased, and in many cases judges have abated the penalty assessment "add-on" to the court fine. Many municipalities have engaged in local fund raising activities to provide the resources for payment for municipal crimelines. The Committee feels that this is the way to go. Vote 11-1.

Adopted.

**HB 1100-FN-L**, establishing a housing assistance trust fund. **OUGHT TO PASS.**

Rep. Ednapearl F. Parr for State Institutions and Housing: This bill establishes a housing assistance trust fund within the New Hampshire Housing Finance Authority. The fund shall be capitalized with donations from private persons or entities, grants, etc. The authority should use the money for direct housing assistance to eligible very low income persons or families. Vote 10-2.

Adopted.

Ordered to third reading.

**HB 1106**, establishing a study committee to consider organization of a state housing and urban development program (HUD). **INEXPEDIENT TO LEGISLATE.**

Rep. Ednapearl F. Parr for State Institutions and Housing: The Committee felt this bill added another level of bureaucracy and at this time it should be left to future legislators to work on the policy of the Housing Finance Authority. Vote 6-5.

Adopted.

**HB 776-FN**, establishing a household hazardous waste management program and a consumer education program on household hazardous wastes. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Ways and Means: This bill, as amended, would impose a 10 cents per container fee on many items, yet to be determined, which are classified as household hazardous waste. The bill has major fee collection and administration problems which the Committee believes are so significant that they would be nearly



impossible to overcome. The Committee has no desire to study this matter further. However, if the policy Committee wished to take this bill back for further study, it would not actively oppose that effort. Vote 13-1.

Rep. Elizabeth Greene moved that the words Recommit to Committee be substituted for the report of the Committee, Inexpedient to Legislate and spoke to her motion.

Rep. Donna Sytek spoke against.

On a division vote, 147 members having voted in the affirmative and 155 in the negative, the motion failed.

Rep. Amanda Merrill moved that the words Refer to Interim Study be substituted for the report of the Committee, Inexpedient to Legislate and spoke to her motion.

Rep. Donna Sytek spoke to the motion.

Referred for Interim Study

### REMARKS

United States Senator Thomas Harkin, candidate for the Democratic nomination for President, addressed the House.

### SPECIAL ORDER

**SB 213-FN-A**, relative to the distribution of meals and rooms tax revenue. **INEXPEDIENT TO LEGISLATE**.

Rep. Walter A. Stiles for Ways and Means: This bill would gradually change the distribution of the Meals and Rooms Tax so that 40 percent of such revenue would go to cities and towns on a per capita basis. Because of the state's financial problems, the Committee does not feel such a measure is appropriate at this time. Vote 16-0.

Rep. O'Rourke moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke to her motion.

Reps. Stiles and Donna Sytek spoke against.

**(Rep. Michael Hill in the Chair)**

Reps. Laughlin and Baroody spoke in favor.

**(Speaker Burns in the Chair)**

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 128**

**NAYS 206**

**YEAS 128**

**BELKNAP**

Golden, Paul A.

Joscelyn, William W.

Salatiello, Thomas B.

**CARROLL**

Dodge, A. Gibb, Jr.

Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.

Champagne, Richard L.

Clark, Eugene W.

Doucette, Richard F.

Foster, Katherine D.

Kingsbury, H. Thayer

Lynch, Margaret A.

Pratt, Irene A.

**COOS**

Coulombe, Henry W.

Hawkinson, Marie C.

Mayhew, Josephine

Nelson, Harold D.

Oliver, Terry D.

Therault, Romeo J.

**GRAFTON**

Arnesen, Deborah L.  
Guest, Robert H.

Chambers, Mary P.  
LaMott, Paul I.

Copenhaver, Marion L.  
Nordgren, Sharon L.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Cote, David E.  
Desrochers, Gerard T.  
Ferguson, Charles  
Gosselin, Gerald O.  
Hall, Betty B.  
Healy, Walter F.  
Jordan, Mary H.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Martin, Mary Ellen  
Nardi, Theodora P.  
Pepino, Leo P.  
Soucy, Donna M.

Baker, George H., Sr.  
Bourque, Ann J.  
Chasse, Richard D.  
Crotty, Edward J.  
Drabinowicz, A. Theresa  
Ferland, Arthur P.  
Green, Scott E.  
Hanselman, Gregory L.  
Janas, Gregory  
Keane, Cornelius J.  
Lachut, Ervin R.  
Leclerc, Charles J.  
McDowell, James E.  
O'Rourke, Joanne A.  
Pignatelli, Debora B.  
Turgeon, Roland M.

Baldizar, Barbara J.  
Buckley, Raymond  
Clemons, Jane A.  
Daigle, Robert A.  
Emerton, Lawrence A.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Johnson, Lionel W.  
King, Frank P.  
Larochelle, Roger B.  
Lefebvre, Roland J.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
White, John M.

**MERRIMACK**

Apple, Lowell D.  
Dunn, Miriam D.  
Johnson, Joyce M.  
Soldati, Jennifer G.  
Whittemore, James A.

Christie, Thomas J.  
Fillion, Paul R.  
Letourneau, George E.  
Trombly, Rick A.

Daneault, Gabriel J.  
Jacobson, Alf E.  
Molner, Mary E.  
Wallner, Mary Jane

**ROCKINGHAM**

Bell, Juanita L.  
Caswell, Albert, Jr.  
Greene, Elizabeth A.  
Hynes, Carolyn E.  
MacDonald, Joseph A.  
Melnick, Roy E.  
Schanda, Joseph, Sr.  
Vaughn, Charles L.

Boucher, William P.  
Christie, Andrew, Jr.  
Griebisch, Linda  
Kane, Cecelia D.  
McGovern, Cynthia A.  
Raynowska, Bernard J.  
Schmidtchen, Rowland H.  
Weyler, Kenneth L.

Brown, Jeffrey M.  
Clark, Martha Fuller  
Hoar, John, Jr.  
Klemarczyk, Thaddeus E.  
McKinney, Betsy  
Rosencrantz, James R.  
Syracusa, Anthony

**STRAFFORD**

Flynn, Edward J.  
Hashem, Elaine M.  
Kincaid, William K.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Wheeler, Katherine W.

Gilmore, Gary R.  
Jankowski, Peter M.  
Marston, Robert E.  
Messier, Donald R.  
Pelley, Janet R.  
Torr, Ralph W.

Hambrick, Patricia A.  
Keans, Sandra B.  
McCann, William H., Jr.  
O'Brien, John  
Spencer, Leo J.  
Vincent, Francis C.

**SULLIVAN**

None

### NAYS 206 BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Johnson, Carl R.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.  
Ziegra, Alice S.

Cain, Thomas G.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

### CARROLL

Allard, Nanci A.  
Dickinson, Howard C.  
Saunders, Howard N.

Bradley, Jeb E.  
Foster, Robert W.  
Wiggin, Allen R.

Daly, Robert J., Jr.  
Jean, Robert R.

### CHESHIRE

Cole, Stacey W.  
Grodin, Richard A.  
Kennison, Wayne A.  
Metzger, Katherine H.  
Perry, David M.  
Young, David A.

Crutchley, Donald O.  
Hogan, James B.  
LaMar, David M.  
Mohr, Frederick C., Jr.  
Riley, William A.

Feuer, Joseph N.  
Hunt, John B.  
Laurent, John J.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

### COOS

Guay, Lawrence J.  
Pratt, Leighton C.

Horton, Lynn C.

Merrill, Gerald P.

### GRAFTON

Adams, Carl S.  
Brown, Patricia B.  
Hill, Richard L.  
McIlwaine, Deborah P.  
Stewart, Roger D.  
Wadsworth, Karen O.

Bean, Pamela B.  
Christy, C. Dana  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Ward, Kathleen W.

Brown, Channing T.  
Driscoll, William J.  
Lougee, Richard W.  
Shackett, Ralph E.  
Trelfa, Richard T.  
White, Paul R.

### HILLSBOROUGH

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Fields, Dennis H.  
Goulet, Maurice E.  
Holden, Carol H.  
Jean, Romeo W.  
Lawrence, Eva M.  
Lozeau, DonnaLee M.  
McNerney, Daniel P.  
Messier, Irene M.  
Peters, Stanley W.  
Riley, Frances L.  
Sallada, Roland A.

Alukonis, David J.  
Arnold, Barbara E.  
Carpenter, Karen A.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Ford, Nancy M.  
Greenglass, Alan B.  
Hultgren, David D.  
Kelley, Robert N.  
Lawrence, Norman B.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Record, Alice B.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Drolet, Paul L.  
Fenton, James J.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Jasper, Shawn N.  
Kurk, Neal M.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Packard, Bonnie B.  
Rheault, Lillian I.  
Rothhaus, Finlay C.  
Smith, Leonard A.

Steiner, Lee Anne  
 Vanderlosk, Stanley R.  
 Wright, George W.

Stiles, Walter A.  
 Wheeler, David K.

Tarpley-Bamberger, Nancy L.  
 Wheeler, Robert L.

### MERRIMACK

Anderson, Eleanor M.  
 Boucher, Laurent J.  
 Fair, Patricia A.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Kidder, William F.  
 Millard, Elizabeth S.  
 Stapleton, Henry F.  
 Yeaton, Charles B.

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Stio, Peter M.

Barberia, Richard A.  
 Chandler, John P.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Teague, Bert

### ROCKINGHAM

Barnes, John S., Jr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Dube, LeRoy S.  
 Flanders, David A.  
 Gage, Beverly A.  
 Hurst, Sharleene P.  
 Katsakiores, Phyllis  
 Malcolm, Kenneth W.  
 Palazzo, Frank J.  
 Senter, Merilyn P.  
 Smith, Arthur W.  
 Warburton, Calvin  
 Woods, Deborah L.

Benton, Richardson D.  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Haynes, Richard  
 Johnson, Robert A.  
 Lovejoy, Virginia K.  
 McCarthy, John J., Jr.  
 Parr, Ednapearl F.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Welch, David A.

Coffey, John J.  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Magoon, Harold F.  
 Packard, Sherman A.  
 Rubin, George R.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Wells, Henry E.

### STRAFFORD

Bickford, Drucilla  
 Douglass, Clyde J.  
 Martling, W. Kent  
 Torr, Ann M.  
 Young, John B.

Brown, Julie M.  
 Foss, Patricia H.  
 Musler, George T.  
 Tsiros, William

Corte, Arthur B.  
 Kinney, Paula J.  
 Parks, Joe B.  
 Wall, Janet G.

### SULLIVAN

Behrens, Thomas A.  
 Krueger, Richard H.  
 Peyron, Fredrik  
 Schotanus, Merle W.

Domini, Irene C.  
 Lindblade, Eric N.  
 Porter, Robert H.

Flint, Gordon B.  
 Middleton, John A.  
 Rodeschin, Beverly T.

and the motion failed.

Rep. Nehring notified the Clerk that he wished to be recorded in favor of the substitute motion.

Report adopted.

### REMOVED FROM THE TABLE

Rep. Donna Sytek moved that **HR 21**, affirming revenue estimates for fiscal years 1992 and 1993, be removed from the table. (Pending question: third reading)

Adopted.



**HR 21**, affirming revenue estimates for fiscal years 1992 and 1993.

Rep. Donna Sytek offered a floor amendment.

4621L

### Floor Amendment

Amend the resolution by replacing all after the resolving clause with the following:

That the House wishes to go on record as affirming the following revenue estimates

for fiscal years 1992 and 1993:

GENERAL FUND	1992	1993
Beer	\$ 11,500,000	\$ 11,500,000
Board and care	19,000,000	21,000,000
Medicaid hospital reimbursement	156,000,000	164,000,000
Business profits tax	75,000,000	75,000,000
Estate and legacy tax	25,000,000	27,000,000
Insurance	42,000,000	43,000,000
Interest and dividend tax	36,000,000	37,000,000
Liquor	64,000,000	67,000,000
Meals and rooms tax	91,000,000	94,000,000
Parks income	3,500,000	3,500,000
Dog racing	4,700,000	4,700,000
Horse racing	4,300,000	4,300,000
Real estate transfer tax	35,000,000	30,000,000
Communications tax	26,000,000	27,000,000
Cigarette tax	39,500,000	39,000,000
Utilities	23,000,000	24,000,000
Other	35,000,000	36,000,000
Courts	20,000,000	21,000,000
Savings bank tax	9,000,000	9,000,000
Total	\$719,500,000	\$738,000,000

HIGHWAY FUND		
Gasoline Road Toll	\$ 92,112,000	\$ 94,154,000
Motor Vehicle Fees	53,520,000	54,540,000
Miscellaneous	7,550,000	7,550,000
Total	\$153,182,000	\$156,244,000

FISH AND GAME FUND		
Fish and Game Licenses	\$ 5,868,700	\$ 6,015,400
Fines and Penalties	85,000	85,000
Miscellaneous Sales	491,500	491,500
Indirect Costs	50,000	50,000
Total	\$ 6,495,200	\$ 6,641,900

Rep. Donna Sytek spoke in favor of the floor amendment.

Adopted.

### LAI D ON THE TABLE

Rep. Donna Sytek moved that **HR 21**, affirming revenue estimates for fiscal years 1992 and 1993 be laid on the table.

Adopted.

**REGULAR CALENDAR** (continued)

**HB 1053-A**, relative to state revenues and expenditures. OUGHT TO PASS WITH AMENDMENT.

Rep. Elizabeth Hager for Appropriations: This is a preliminary budget adjustment bill. It contains the appropriations needed to pay state obligations in the named accounts in the current fiscal year (which ends June 30). There are other smaller adjustments needed for FY'92 and there are major supplements needed for FY'93 but those are still being worked on and will be brought in separately. This bill needs action now because the money in some of these accounts will run out as soon as February 15. The details of this bill have been and will be explained on the floor. Vote 20-1.

4616L

**Amendment**

Amend the bill by replacing section 1 with the following:

1 Supplemental Appropriations. In addition to any other sums for the fiscal year ending June 30, 1992, the following appropriations are hereby authorized to the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

02 Admin of Justice & Public Prtn

07 Office of Emergency Management

01 Emergency Mgt Assistance

04 Hurricane Bob - FEMA 0917

90 Public Assistance	G	297,076	
Total			297,076
Estimated Source of Funds for Hurricane Bob - FEMA 0917			
General Fund			297,076
Total			297,076

02 Admin of Justice & Public Prtn

07 Office of Emergency Management

01 Emergency Mgt Assistance

05 Coastal Storm - FEMA 0923

90 Public Assistance	G	144,621	
91 Individual Assistance	G	80,625	
Total			225,246
Estimated Source of Funds for Coastal Storm - FEMA 0923			
General Fund			225,246
Total			225,246
Total			522,322
Estimated Source of Funds for Office of Emergency Management			
General Fund			522,322
Total			522,322

02 Admin of Justice & Public Prtn		
16 Department of Corrections		
03 Division of Adult Services		
02 Bureau of Security		
01 Security		
18 Overtime	150,000	
60 Benefits	15,000	
92 Inmate Wages	60,000	
Total		225,000
Estimated Source of Funds for Security		
General Fund		225,000
Total		225,000
02 Admin of Justice & Public Prtn		
16 Department of Corrections		
03 Division of Adult Services		
06 Bureau of Health Services		
03 Medical Dental		
93 Outside Medical Services	D 1,700,000	
Total		1,700,000
Estimated Source of Funds for Medical Dental		
General Fund		1,700,000
Total		1,700,000
Total		1,925,000
Estimated Source of Funds for Department of Corrections		
General Fund		1,925,000
Total		1,925,000
05 Health and Social Services		
01 Dept of Health and Human Svcs		
03 Div for Children & Youth Svcs		
02 Bureau of Children		
04 C&Y Title IVE Grants		
41 Audit Fund Set Aside	684	
90 Foster Care	1,368,780	
Total		1,369,464
Estimated Source of Funds for C&Y Title IVE Grants		
00 Federal Funds		685,074
05 County Funds		171,098
General Fund		513,292
Total		1,369,464

## 05 Health and Social Services

## 01 Dept of Health and Human Svcs

## 03 Div for Children &amp; Youth Svcs

## 02 Bureau of Children

## 07 DCYS - Settlement

90 DCYS Settlement	1,141,209	
Total		1,141,209
Estimated Source of Funds For DCYS - Settlement		
05 County Funds		285,302
General Fund		855,907
Total		1,141,209

## 05 Health and Social Services

## 01 Dept of Health and Human Services

## 04 Division of Human Services

## 01 Directors Office

## 01 Administration

41 Audit Fund Set Aside	100	
20 Current Expense	200,000	
Total		200,100
Estimated Source of Funds for Administration		
00 Federal Funds		103,740
General Fund		96,360
Total		200,100

## 05 Health and Social Services

## 01 Dept of Health and Human Services

## 04 Division of Human Services

## 04 Financial Grants

## 01 Aid to Families W/Dependents

41 Audit Fund Set Aside	2,649	
90 AFDC	5,298,676	
Total		5,301,325
Estimated Source of Funds For Aid to Families W/Dependents		
00 Federal Funds		2,651,987
00 Agency Income		141,081
General Fund		2,508,257
Total		5,301,325

## 05 Health and Social Services

## 01 Dept of Health and Human Services

## 04 Division of Human Services

## 04 Financial Grants

## 05 Medical Grants

41 Audit Fund Set Aside	16,507	
90 Provider Payments	33,014,573	



Total	33,031,080
Estimated Source of Funds For	
Medical Grants	
00 Federal Funds	16,532,794
General Fund	16,507,286
Total	33,031,080
05 Health and Social Services	
01 Dept of Health and Human Services	
04 Division of Human Services	
04 Financial Grants	
06 Nursing Services	
41 Audit Fund Set Aside	11,287
90 Nursing Services	18,735,298
91 Home Nursing Services	3,838,819
Total	22,585,404
Estimated Source of Funds for	
Nursing Services	
00 Federal Funds	11,298,346
05 County Funds	5,761,104
General Fund	5,525,954
Total	22,585,404
05 Health and Social Services	
01 Dept of Health and Human Services	
04 Division of Human Services	
04 Financial Grants	
07 Other Nursing Homes	
41 Audit Fund Set Aside	498
90 Other Nursing Homes	996,734
Total	997,232
Estimated Source of Funds for	
Other Nursing Homes	
00 Federal Funds	498,865
General Fund	498,367
Total	997,232
Total	64,625,814
Estimated Source of Funds for	
Dept of Health and Human Services	
Federal Funds	31,761,806
General Fund	26,505,432
Other Funds	6,358,585
Total	64,625,814
Total Appropriations as Included in	
Category 02 and Category 05	67,073,136

Estimated Source of Funds for  
Category 02 and Category 05

Federal Funds	31,761,806
General Fund	28,952,745
Other Funds	6,358,585
Total	67,073,136

Amend the bill by replacing section 5 with the following:

5 Division of Human Services; Support Enforcement Positions. The positions funded in fiscal years 1992 and 1993 by PAU 05, 01, 04, 02, 03 are exempt from any executive order of the governor relating to vacant positions and the 90-day drag placed on vacant positions by the fiscal committee beginning in October, 1991. Any funds transferred from PAU 05, 01, 04, 02, 03 to the department of administrative services as a result of positions made vacant under an executive order of the governor or the 90-day drag in fiscal years 1992 and 1993 shall be restored to PAU 05, 01, 04, 02, 03 as those positions are filled after the effective date of this act.

6 Effective Date. This act shall take effect upon its passage.

Rep. Hager spoke in favor and yielded to questions.

Rep. Jasper spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**HB 265-FN-A**, using revenues from a solid waste cleanup fund to fund departmental positions and to pay certain cleanup costs and continually appropriating the fund to the division of waste management. (A) INEXPEDIENT TO LEGISLATE.

Rep. Paul I. LaMott for appropriations: This bill establishes a designated fund which cannot be justified as sound fiscal policy at this time. Vote 18-0.

Rep. Betty Hall moved that the words Refer for Interim Study be substituted for the report of the Committee. Inexpedient to Legislate and spoke to her motion.

Rep. Schotanus spoke against.

On a division vote, 99 members having voted in the affirmative and 196 in the negative, the motion failed.

Report adopted.

**HB 476-FN-A**, establishing a marital commission pilot program in Sullivan county and making an appropriation therefor. (A) INEXPEDIENT TO LEGISLATE.

Rep. Channing T. Brown for Appropriations: This bill is potentially very expensive and is unnecessary given the other programs being established in Sullivan County to reduce court backlog. Vote 18-0.

Rep. Jacobson moved that the words Ought to Pass be substituted for the report of the Committee. Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Channing Brown spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 96**

**NAYS 240**

**YEAS 96  
BELKNAP**

Campbell, Richard H., Jr. Golden, Paul A.  
Salatiello, Thomas B.

Rosen, Ralph J.

**CARROLL**

Dickinson, Howard C.

Jean, Robert R.

**CHESHIRE**

Burnham, Daniel M.

Hogan, James B.

Lynch, Margaret A.

Perry, David M.

Sawyer, Alfred P.

Champagne, Richard L.

Hunt, John B.

Metzger, Katherine H.

Pratt, Irene A.

Cole, Kenneth A.

Kingsbury, H. Thayer

Pearson, Gertrude B.

Riley, William A.

**COOS**

Hawkinson, Marie C.

**GRAFTON**

Arnesen, Deborah L.

Copenhaver, Marion L.

Brown, Patricia B.

Guest, Robert H.

Chambers, Mary P.

Hill, Richard L.

**HILLSBOROUGH**

Alukonis, David J.

Burke, Stephen J.

Drabinowicz, A. Theresa

Gage, Ruth E.

Hall, Betty B.

Janas, Gregory

Lachut, Ervin R.

Martin, Mary Ellen

Smith, Leonard A.

Baker, George H., Sr.

Clemons, Jane A.

Ferlan, Arthur P.

Green, Scott E.

Hanselman, Gregory L.

Jean, Romeo W.

Lefebvre, Roland J.

Messier, Irene M.

Soucy, Donna M.

Baldizar, Barbara J.

Cote, David E.

Ford, Nancy M.

Haettenschwiller, Alphonse

Healy, Walter F.

Jordan, Mary H.

Lozeau, Donnalee M.

O'Rourke, Joanne A.

White, John M.

**MERRIMACK**

Anderson, Eleanor M.

Jacobson, Alf E.

Kidder, William F.

Soldati, Jennifer G.

Whittemore, James A.

Christie, Thomas J.

Johnson, C. William

Molner, Mary E.

Stapleton, Henry F.

Yeaton, Charles B.

Hayes, Robert C.

Johnson, Joyce M.

Smith, Gerald R.

Trombly, Rick A.

**ROCKINGHAM**

Buco, Stephen W.

Cote, Patricia L.

Hoar, John, Jr.

McGovern, Cynthia A.

Weyler, Kenneth L.

Caswell, Albert, Jr.

Drake, Herbert R.

Hutchinson, Karen K.

Rosencrantz, James R.

Clark, Martha Fuller

Griebisch, Linda

Kane, Cecelia D.

Syracusa, Anthony

**STRAFFORD**

Bickford, Drucilla

Hambrick, Patricia A.

Marston, Robert E.

Merrill, Amanda A.

Spencer, Leo J.

Corte, Arthur B.

Jankowski, Peter M.

Martling, W. Kent

Nehring, William H.

Wheeler, Katherine W.

Gilmore, Gary R.

Keans, Sandra B.

McCann, William H., Jr.

O'Brien, John

**SULLIVAN**

Flint, Gordon B.

Porter, Robert H.

### NAYS 240 BELKNAP

Accornero, Harry  
Hawkins, Robert S.  
Joscelyn, William W.  
Turner, Robert H.  
Ziegra, Alice S.

Bartlett, Gordon E.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Dewhirst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Wiggin, Allen R.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.  
Wiggin, Gordon E.

Chandler, Gene G.  
Saunders, Howard N.

### CHESHIRE

Clark, Eugene W.  
Doucette, Richard F.  
Grodin, Richard A.  
Mohr, Frederick C., Jr.

Cole, Stacey W.  
Feuer, Joseph N.  
Kennison, Wayne A.

Crutchley, Donald O.  
Foster, Katherine D.  
Laurent, John J.

### COOS

Coulombe, Henry W.  
Mayhew, Josephine  
Oliver, Terry D.

Guay, Lawrence J.  
Merrill, Gerald P.  
Pratt, Leighton C.

Horton, Lynn C.  
Nelson, Harold D.  
Theriault, Romeo J.

### GRAFTON

Adams, Carl S.  
Christy, C. Dana  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
Wadsworth, Karen O.

Bean, Pamela B.  
Driscoll, William J.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
Ward, Kathleen W.

Brown, Channing T.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Shackett, Ralph E.  
Trelfa, Richard T.  
White, Paul R.

### HILLSBOROUGH

Ackerman, Philip M.  
Andrews, Frederick B.  
Bowers, Dorothy C.  
Carpenter, Karen A.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Fenton, James J.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Holden, Carol H.  
Johnson, Lionel W.  
King, Frank P.  
Larochelle, Roger B.  
Lawrence, Norman B.  
McCann, Bonnie Lou  
McRae, Karen K.  
Murphy, Robert E.

Ahrens, Frederick G.  
Baroody, Benjamin C.  
Buckley, Raymond  
Chasse, Richard D.  
Daigle, Robert A.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Ferguson, Charles  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Hultgren, David D.  
Keane, Cornelius J.  
Kurk, Neal M.  
Laughlin, J. Francis  
Leclerc, Charles J.  
McDowell, James E.  
Mercer, Robert S.  
Nardi, Theodora P.

Amidon, Eleanor H.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Dodge, Emma M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Goulet, Maurice E.  
Healy, Daniel J.  
Jasper, Shawn N.  
Kelley, Robert N.  
L'Heureux, Robert J.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Packard, Bonnie B.



Paquette, Rodolphe G.  
Pignatelli, Debora B.  
Rheault, Lillian I.  
Rothhaus, Finlay C.  
Steiner, Lee Anne  
Turgeon, Roland M.  
Wheeler, David K.

Pepino, Leo P.  
Record, Alice B.  
Riley, Frances L.  
Sallada, Roland A.  
Stiles, Walter A.  
Upton, Barbara A.  
Wheeler, Robert L.

Peters, Stanley W.  
Reidy, Frank J.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.  
Wright, George W.

### MERRIMACK

Apple, Lowell D.  
Boucher, Laurent J.  
Daneault, Gabriel J.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Lockwood, Robert A.  
Stio, Peter M.

Asplund, Bronwyn L.  
Chandler, Earle W.  
Dunn, Miriam D.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Letourneau, George E.  
Millard, Elizabeth S.  
Wallner, Mary Jane

Barberia, Richard A.  
Chandler, John P.  
Fair, Patricia A.  
Gross, Caroline L.  
Hill, Michael J.  
Lewis, Mary Ann  
Nichols, Avis B.

### ROCKINGHAM

Barnes, John S., Jr.  
Boucher, William P.  
Coffey, John J.  
DiPietro, Carmela M.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Haynes, Richard  
Hynes, Carolyn E.  
Katsakiores, Phyllis  
Lovejoy, Virginia K.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Palazzo, Frank J.  
Rubin, George R.  
Senter, Marilyn P.  
Smith, Arthur W.  
Thayer, Leroy C.  
Welch, David A.

Bell, Juanita L.  
Brown, Jeffrey M.  
Conroy, Janet M.  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Ford, Bert H.  
Hoelzel, Kathleen M.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
McCain, William F.  
Melnick, Roy E.  
Parr, Ednapearl F.  
Schanda, Joseph, Sr.  
Simon, Peter M.  
Sytek, Donna P.  
Vaughn, Charles L.  
Wells, Henry E.

Benton, Richardson D.  
Christie, Andrew, Jr.  
Cooke, Annette M.  
Dube, LeRoy S.  
Flanders, David A.  
Greene, Elizabeth A.  
Hurst, Sharleene P.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Raynowska, Bernard J.  
Schmidtchen, Rowland H.  
Skinner, Patricia M.  
Sytek, John J.  
Warburton, Calvin  
Woods, Deborah L.

### STRAFFORD

Brown, Julie M.  
Foss, Patricia H.  
Kincaid, William K.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Tsiros, William  
Young, John B.

Douglass, Clyde J.  
Frechette, Roland A.  
Kinney, Paula J.  
Parks, Joe B.  
Torr, Ann M.  
Vincent, Francis C.

Flynn, Edward J.  
Hashem, Elaine M.  
Messier, Donald R.  
Pelley, Janet R.  
Torr, Ralph W.  
Wall, Janet G.

### SULLIVAN

Behrens, Thomas A.  
Lindblade, Eric N.  
Rodeschin, Beverly T.  
and the motion failed.

Domini, Irene C.  
Middleton, John A.  
Schotanus, Merle W.

Krueger, Richard H.  
Peyron, Fredrik

Report adopted.

**HB 1370**, to provide rotating 4-year county commissioner terms in Rockingham county. **OUGHT TO PASS.**

Rep. Kenneth L. Weyler for Municipal and County Government: Rockingham County is the second largest county in the state. The county does not use a county manager but is run collectively by the three county commissioners. It is thus important that there be continuity in the commissioners' office. In order to assure that all three commissioners are not replaced in a single election, this bill proposes a rotating four-year term, a method already used by four other counties. County delegation leadership is in favor. The preponderance of testimony was favorable. Vote 13-0.

Rep. Warburton spoke against.

Reps. Wyler and Grodin spoke in favor.

Adopted.

Ordered to third reading.

### COMMUNICATION

January 30, 1992

Harold W. Burns, Speaker

Because I am moving from my district, I hereby regretfully resign my seat in the New Hampshire Legislature as of January 30, 1992.

Sincerely,

Debora B. Pignatelli, Hills. 31

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet February 6, 1992 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 285-A**, relative to constructing regional vocational centers and making an appropriation therefor.

**HB 469-A**, relative to improvements on route 106 and making an appropriation therefor.

**HB 677-FN**, establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases.

**HB 693-FN**, relative to disclosure of tax records related to investigations by the attorney general and relative to forfeiture of items seized in connection with controlled drug offenses.

**HB 1129**, designating the insurance department as the regulatory body for approval of motor vehicle warranty agreements.

**HB 1138**, relative to the board of trust company incorporation's consideration of petitions for incorporation of savings banks.

**HB 1140**, relative to exempting New Hampshire banks from acquisitions by out-of-state banks.

**HB 1142**, permitting the bank commissioner to delegate duties and responsibilities.

**HB 1430**, relative to the disclosure of certain information and refunds relating to musical performances.

**HB 1237**, revising statutory references to the New Hampshire Charitable Fund.

**HB 1442-L**, relative to a census of school age children.

**HB 585-FN**, recodifying the laws relative to emergency medical services.

**HB 1243**, revising the Patients' Bill of Rights.

**HB 1328-FN**, relative to the fiscal responsibilities of the county commissioners and the county convention for capital expenditures in Rockingham county.

**HB 1405**, relative to appeal of tax assessments to the board of tax and land appeals and the superior court.

**HB 1119**, relative to the New Hampshire automated information system board.

**HB 264-FN-A**, placing hazardous waste transporter permit application fees in the hazardous waste cleanup fund.

**HB 497-FN-A**, relative to an equipment challenge grant program for vocational and technical education programs.

**HB 505-FN**, relative to the normal yield tax, the extension of the reporting deadline for the study committee on clearcutting forest resources, the report of cut, and creating a committee to study forest protection and management.

**HB 740-FN**, relative to increasing political expenditure limitations for certain candidates and relative to the penalty for exceeding total expenditure limitations.

**HB 1100-FN-L**, establishing a housing assistance trust fund.

**HB 1053-A**, relative to state revenues and expenditures.

**HB 1370**, to provide rotating 4-year county commissioner terms in Rockingham county.

### NOTICE OF RECONSIDERATION

Having voted with the prevailing side, Rep. Hawkins served notice that today, January 30, or some subsequent day as limited by the rules he would move that the House reconsider its action whereby it read a third time and passed **HB 693-FN**, relative to disclosure of tax records related to investigations by the attorney general and relative to forfeiture of items seized in connection with controlled drug offenses.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills, extensions and enrolling reports only.

Adopted.

The House recessed at 3:30 p.m.

### RECESS

### EXTENSIONS

The Committee on Commerce, Small Business and Consumer Affairs requested an extension on **HB 1478-FN-L**, restructuring the Pease development authority, to February 19.

Granted.

The Committee on Commerce, Small Business and Consumer Affairs requested an extension on **HB 1491-FN-L**, requiring professional fundraisers for police, law enforcement and firefighters' associations to register with and be regulated by the department of justice, increasing the amount of the registration fee, solicitation fee and bond, and making technical amendments to the registration law, to February 19.

Granted.

The Committee on Education requested an extension on **HB 1468-FN-L**, relative to the education of disabled children, to February 12.

Granted.

The Committee on Executive Departments and Administration requested an extension on **HB 1390-FN**, providing a 5 percent cost of living adjustment for teacher members of the retirement system and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957, to February 19.

Granted.

The Committee on Executive Departments and Administration requested an extension on **HB 1399-FN**, changing the name of the board of examiners of psychologists to the board of examiners of mental health practice, expanding such board, and certifying mental health counselors, to February 19.

Granted.

The Committee on Executive Departments and Administration requested an extension on **HB 1456-FN**, relative to health insurance for state employees, to February 19.

Granted.

The Committee on Executive Departments and Administration requested an extension on **HB 1496-FN-L**, relative to defined benefits, defined contributions, and the funding methodology of the retirement system, to February 19.

Granted.

The Committee on Executive Departments and Administration requested an extension on **HB 1497-FN-L**, relative to retirement benefits, employer contributions to the retirement system, and the retirement system board of trustees, to February 19.

Granted.

The Committee on Executive Departments and Administration requested an extension on **HB 1500-FN**, making the police standards and training council responsible for certification of corrections officers, to February 19.

Granted.

The Committee on Judiciary requested an extension on **HB 1462-FN**, accelerating parole eligibility prior to the expiration of minimum sentencing based on credits for good conduct, removing the requirement of a 150-day disciplinary period and establishing a performance and behavioral agreement parole requirement, to February 19.

Granted.

The Committee on Judiciary requested an extension on **HB 1494-FN-L**, implementing the recommendations of the New Hampshire supreme court long-range planning tax force regarding the judicial branch, to February 19.

Granted.

The Committee on Public Works requested an extension on **HB 1226-FN**, to protect the department of transportation against liability in the construction and maintenance of highways and highway bridges, to February 19.

Granted.

The Committee on Public Works requested an extension on **HB 1358-A**, making an appropriation for the new Manchester district court facility, to February 19.

Granted.



The Committee on Public Works requested an extension on **HB 1425-A**, relative to railroad rehabilitation and making an appropriation therefor, to February 12.

Granted.

The Committee on State Institutions and Housing requested an extension on **HB 1236**, requiring equal medical, vocational and educational opportunities for female and male inmates and requiring female inmates to be incarcerated within New Hampshire, to February 12.

Granted.

The Committee on State Institutions and Housing requested an extension on **HB 1460-FN**, relative to land fee increases in manufactured housing parks, to February 12.

Granted.

Rep. Michael Hill moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 7

Thursday, February 6, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O God of our lives, who would weave both heaven and earth into a single government of peace, may the design of Your great love redeem our failures and frustrations, and give peace to Your people, peace among nations, peace in our dwellings and peace in our hearts. Amen.

Rep. Parr led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Rosen, Crutchley, McIlwaine, Morse, Teschner, Wall, Simon, Larochelle and Kilbride, the day, illness.

Reps. Drake, Arnesen, Harland, DePecol, Markley, Lynch, Shackett, Gross, Musler, Robert Jean, Annette Cooke, Klemm, Elizabeth Greene and David Flanders, the day, important business.

Reps. Clemons, Doucette, Nordgren Appleby and Lefebvre, the day, illness in the family.

### INTRODUCTION OF GUESTS

Rich Gale, guest of Rep. Hill. Marion Lovejoy, guest of Rep. Hoelzel. Former Rep. Leona Dykstra, guest of Reps. Brungot and Pepino. Catherine White, wife of Rep. Paul White. Kerry Guptill, guest of Rep. Gene Chandler. Roger Gagnon, Ray Welch and Danny Courchene, guests of Reps. Pepino and Laughlin. James and Dawn Fowle, guests of Rep. David Young.

### HOUSE RESOLUTION NO. 58

memorializing State Representative Gabrielle V. Gagnon of Nashua

WHEREAS, it is with great sorrow that we have learned of the death of our esteemed colleague, Gabrielle V. Gagnon, who was in the midst of her ninth term as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, Gabrielle V. Gagnon, known affectionately to all as Gabby, did serve, faithfully and with integrity, her constituents of District 29 of Hillsborough County, and

WHEREAS, during her first term in the biennium of 1975-76, Gabrielle V. Gagnon diligently did sit on the Standing Committee on Health and Welfare, and then for the next eight terms was a distinguished member of the Committee of Regulated Revenues, and

WHEREAS, throughout her distinguished legislative tenure, Gabrielle V. Gagnon also served as an active member of the Hillsborough County Executive Committee, and

WHEREAS, having been a life-long resident of Nashua, Gabrielle V. Gagnon served as President of both Nashua Emblem Club Number 170, and the State Emblem Club, and as President of American Legion Auxiliary Post Number 3, and

WHEREAS, having been blessed with an abundance of community spirit, Gabrielle V. Gagnon easily found the time and energy to work as a volunteer with the

Senior Citizens Program and for the Veterans Hospital in Manchester, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Gabrielle V. Gagnon be granted highest praise and recognition for her seventeen years of outstanding and dedicated legislative, county and community service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to her family, and that a suitable copy of this Resolution be prepared for presentation to her family.

Adopted by a rising vote of silence.

### SENATE MESSAGES REQUESTS CONCURRENCE

**SB 311**, exempting certified fire investigators and certain towing companies from licensure under the detective agencies and securities services act, changing the qualification for fire investigators and changing the date for renewal or reinstatement of private detective licenses.

**SB 318-LOCAL**, relative to fire protection areas within the town of Litchfield.

**SB 321**, repealing an exemption for town clerks relative to voter registration.

**SB 323**, establishing a committee to study the issue of physician self-referrals.

**SB 331**, relative to gender equity in athletics.

**SB 333**, relative to a Piscataqua River basin council.

**SB 359**, relative to expending moneys by the OHRV bureau for trail maintenance expenses.

**SB 361**, relative to the impact fee laws.

**SB 368**, changing statutory references to automobile graveyards, motor vehicle junkyards and junk vehicles to include automotive recycling yards or vehicles.

**SB 370**, relative to health insurance coverage for scalp hair prostheses.

**SB 375**, allowing the division of parks and recreation to give rewards for information leading to the recovery of stolen division property.

**SB 377-FN**, relative to penalties for mortgage brokers who fail to file annual reports.

**SB 386-FN**, relative to the publications, specialty items and fund raising revolving fund of the fish and game department and authorizing certain fund raising by the department.

**SB 394**, relative to the jurisdiction of the labor department over self-insured workers' compensation programs.

**SB 398**, permitting the sale of red deer and elk venison.

**SB 425-FN-L**, relative to statement of expenses for costs incurred for response to forest and brush fires.

**SB 430**, relative to the establishment of regional offices for the vocational rehabilitation division.

**SJR 1-FN**, requiring the department of education to develop a computer education program for public schools.

### CONCURRENCE WITH AMENDMENTS

**SB 16-FN**, relative to the board of dental examiners.

**SB 27-FN**, relative to extended terms of imprisonment for assault crimes where the victim or perpetrator is a law enforcement officer.

**SB 60-A**, establishing a task force to study the Laconia to Franklin highway problems.

**SB 120-FN-A**, establishing a task force on a sunset review process and the authority of the general court to disapprove proposed administrative rules.

### **NONCONCURRENCE WITH AMENDMENT**

**SB 107-FN**, relative to tenants' security deposits.

### **RESOLUTION**

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill number 1025-A (Rule 47) and House Concurrent Resolution number 28 (Rule 40c), shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### **INTRODUCTION OF HOUSE BILL, and HCR**

#### **First, second reading and referral**

**HB 1025-A**, relative to budget adjustments for fiscal years 1992 and 1993. (Hager of Merrimack Dist. 21 - To Appropriations)

**HCR 28**, urging the federal government to restore full funding for prescription drugs for veterans with service-related disabilities. (Rubin of Rockingham Dist. 19 - To State-Federal Relations)

### **RESOLUTION**

Rep. Ann Torr offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill number 394 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

### **INTRODUCTION OF SENATE BILL**

#### **First, second reading referral**

**SB 394**, relative to the jurisdiction of the labor department over self-insured workers' compensation programs. (Labor, Industrial and Rehabilitative Services)

### **REMARKS**

Hon. Andre Marrou, candidate for the Libertarian nomination for President, addressed the House.

### **COMMITTEE REPORTS**

#### **CONSENT CALENDAR**

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 317-FN**, relative to a minimum service retirement allowance for group II members, was removed at the request of Rep. Roulston.

**HB 1451-FN**, relative to the transportation of pupils living within a certain distance from the school to which they are assigned was removed at the request of Rep. Skinner.

**HB 1347-A**, appropriating money for design and engineering of a vocational education center in Milford, was removed at the request of Rep. David Wheeler.

**HB 1117**, relative to the minimum age requirements for liquor license applicants, relative to employing minors in licensed establishments, and relative to games and amusements on the premises of on-sale licensees, was removed at the request of Rep. Nancy Ford.



**HB 1299**, providing that beverage wholesale distributor's and beverage manufacturer's fees shall not be reduced if beverage container mandatory deposit legislation is enacted, was removed at the request of Rep. Betty Hall.

Consent Calendar adopted.

**HB 61-FN**, repealing the prospective repeal of the victims' assistance fund.(A)  
**OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles W. Ferguson for Appropriations: As Appropriations worked on this bill the Committee became aware that there were technical problems with the RSAs in this area. All the very long amendment does is correct those problems. The bill has no fiscal impact. Vote 18-0.

4623L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

repealing the prospective repeal of the victims' assistance fund and making technical corrections in the distribution of penalty assessment funds.

Amend the bill by replacing all after the enacting clause with the following:

1 Technical Correction; Distribution of Penalty Assessment Funds; 1994. Amend RSA 188-F:31, I to read as follows:

I. Every court shall levy a penalty assessment of \$2 or [15] **20** percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked. Such penalty assessment shall be *divided into the following components, to be designated as follows: 15 percent for the police standards and training council training fund; 2 percent for the victims' assistance fund; and 3 percent for the benefit of the court modernization fund, to be collected by the clerk of court.*

2 Technical Correction; Distribution of Penalty Assessment Funds; 1998. Amend RSA 188-F:31, I to read as follows:

I. Every court shall levy a penalty assessment of \$2 or [20] **17** percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked. Such penalty assessment shall be divided into the following components, to be designated as follows: 15 percent for the police standards and training council training fund[;] **and** 2 percent for the victims' assistance fund[;] and 3 percent for the benefit of the court modernization fund established under RSA 502-A:37, to be collected by the clerk of court[.]

3 Technical Correction; Distribution of Penalty Assessment Funds; 1994. RSA 188-F:31, IV is repealed and reenacted to read as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraph I designated for the police standards and training council training fund to the police standards and training council. The council shall pay over all moneys collected by it under this chapter to the state treasurer for deposit in the police standards and training council training fund. The clerk shall transmit the amount collected under paragraph I for the victims' assistance fund to the

state treasurer for deposit in such fund. The clerk shall transmit the remaining amount collected under paragraph I to the state treasurer for deposit in the court modernization fund established under RSA 502-A:37.

4 Technical Correction; Distribution of Penalty Assessment Funds; 1998. RSA 188-F:31, IV is repealed and reenacted to read as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraph I designated for the police standards and training council training fund to the police standards and training council. The council shall pay over all moneys collected by it under this chapter to the state treasurer for deposit in the police standards and training council training fund. The clerk shall transmit the amount collected under paragraph I for the victims' assistance fund to the state treasurer for deposit in such fund.

5 New Paragraph; Technical Correction; Effective Date of Repeal of Victims' Assistance Fund. Amend 1989, 408:82 by inserting after paragraph III the following new paragraph:

III-a. Sections 82, I and III of this act shall take effect July 1, 1994.

6 Repeal. The following are repealed:

I. RSA 21-M:8-h, VI and VII, relative to a report to the fiscal committee on the victims' assistance fund and the lapse of the fund.

II. 1989, 408:82, I and III-a, relative to the repeal of the victims' assistance fund.

III. 1989, 408:82, III, relative to the administration of the victims' assistance fund.

IV. 1989, 417:9, relative to the repeal of the victims' assistance fund.

7 Effective Date.

I. Sections 1 and 3 of this act shall take effect July 1, 1994, at 12:02 a.m.

II. Sections 2 and 4 of this act shall take effect July 1, 1998, at 12:01 a.m.

III. Section 5 of this act shall take effect upon its passage.

IV. Section 6 of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill repeals the prospective repeal of the victims' assistance fund and makes certain technical corrections in the laws regarding distribution of penalty assessment funds and repeal dates.

**HB 1153-FN-A**, authorizing the division of human services to assess an administrative fine on employers for failing to comply with an assignment order and continually appropriating such fines to the division. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice: This bill authorizes the office of Child Support Enforcement Services to assess an administrative fine on employers who "willfully" fail to implement a wage assignment order or failing to forward the money to the division. Vote 15-0.

4697L

#### Amendment

Amend RSA 458-B:6, XI as inserted by section 1 of the bill by replacing it with the following:

XI. That the employer shall be liable for an administrative fine of \$100 per pay period per the number of the employer's employees who have wage assignment obligations with that employer payable directly to the division for a willful failure to comply with the provisions of paragraphs II and IV. Administrative fines collected by the division shall be placed in an account which shall be continually appropriated to

the division for the purpose of administering this chapter. Prior to assessing such fine against the employer, the division shall notify the employer of its intent to assess the fine, the amount of the fine, the date by which the fine is payable, and, shall provide the employer with the opportunity to contest the imposition of the fine. The only basis for contesting the imposition of such fine is a mistake of fact or that the employer did not knowingly fail to comply with the provisions of paragraphs II and IV.

Referred to Appropriations.

**HB 1182-FN**, authorizing the division of human services to establish a system to recoup child support payments made in error, clarifying confidentiality of certain information and limiting the division's authority to enforce support orders. OUGHT TO PASS WITH AMENDMENT.

Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice: This bill authorizes the office of Child Support Enforcement Services to establish a system to recoup child support payments made in error. There is currently no enabling existing in state law. Vote 13-0.

4720L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

authorizing the division of human services to establish a system to recoup child support payments made in error, clarifying confidentiality of certain information and allowing the division to close certain cases.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Rulemaking Authorized; System of Recouping Child Support Payments Made in Error. Amend RSA 161:4-a by inserting after paragraph VIII the following new paragraph:

VIII-a. The establishment, maintenance, and direction of a reasonable and fair system of recouping payments made in error from child support collected pursuant to RSA 161:2, XVI, or other means as allowed by law.

2 Information Confidentiality; Reference Clarified. Amend RSA 161-B:7, III to read as follows:

III. Any records established or information collected pursuant to the provisions of this chapter shall be made available only to the director and the attorney general and their authorized designees, attorneys *employed by the office of child support, attorneys responsible for the administration of RSA 546, the client or the clients authorized representative*, and courts or agencies in other states engaged in the enforcement of support of minor children as authorized by *federal law* or the rules [and regulations] of the division[, and]. Such records and information shall be available *and used* only for purposes directly connected with *establishment, enforcement, or modification of child support* and the administration of this chapter. *The records and information made available to the client or the client's authorized representative shall not include information provided to the division that is prohibited from release by federal or state law or by contract or agreement between the division and another entity if such contract or agreement prohibits release of such information.*

3 Information Confidentiality; Reference Clarified. RSA 161-C:3-a, IV is repealed and reenacted to read as follows:

IV. Any records established or information collected pursuant to the provisions of this chapter shall be made available only to the director and the attorney general and their authorized designees, attorneys employed by the office of child support, attorneys responsible for the administration of RSA 546, the client or the client's authorized representative and courts or agencies in other states engaged in the enforcement of support of minor children as authorized by the rules of the division. Such records and information shall be available and used only for purposes directly connected with establishment, enforcement or modification of child support and the administration of this chapter. The records and information made available to the client or the client's authorized representative shall not include information provided to the division that is prohibited from release by federal or state law or by contract or agreement between the division and another entity if such contract or agreement prohibits release of such information.

4 Authority to Enforce Child Support Limited; Support Terminated for More Than 5 Years. Amend RSA 161-B:3, II to read as follows:

II. The director may accept applications for support enforcement services on behalf of persons who are not recipients of public assistance and may take action as he deems appropriate to establish or enforce support obligations against persons owing a duty to pay support. Action may be taken under this chapter, the abandonment of nonsupport statutes, or other appropriate statutes of this state, including but not limited to remedies established in RSA 161-C, to establish and enforce said support obligations, *provided, however, that if such child support obligation has been terminated by court order or by operation of law the director may close the case in accordance with the criteria set out in federal statutes and regulations.*

5 Effective Date. This act shall take effect 60 days after its passage.

**HB 1320**, extending the time for recording a foreclosure deed and affidavit after a foreclosure sale when such recording is prevented by order or stay of any court of law. **UGHT TO PASS WITH AMENDMENT.**

Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs: This bill, as amended, clarifies the foreclosure deed or record process when bankruptcy is declared during that process. Vote 13-0.

4575L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

extending the time for recording a foreclosure deed and affidavit after a foreclosure sale when such recording is prevented by order or stay of any court or law or the United States Bankruptcy Code.

Amend RSA 479:26, I as inserted by section 1 of the bill by replacing it with the following:

I. The person selling pursuant to the power shall within 60 days after the sale cause the foreclosure deed, a copy of the notice of the sale, and his affidavit setting forth fully and particularly his acts in the premises to be recorded in the registry of deeds in the county where the property is situated; and such affidavit or a duly certified copy of the record thereof shall be evidence on the question whether the power of sale was duly executed.



*If such recording is prevented by order or stay of any court or law or any provision of the United States Bankruptcy Code, the time for such recording shall be extended until 10 days after the expiration or removal of such order or stay. If such recording is, in accordance with the provisions of this chapter, made more than 60 days after the sale, the reasons therefor shall be set forth fully and particularly in the affidavit.*

#### AMENDED ANALYSIS

This bill extends the time for recording a foreclosure deed and affidavit after a foreclosure sale when the mortgagor is prevented from such recording by the order or stay of any court or law, or any provision of the United States Bankruptcy Code.

**HB 1483-FN**, establishing a system of state financial incentives to stimulate a paper recycling industry in the state of New Hampshire. REFER FOR INTERIM STUDY.

Rep. Bonnie B. Packard for Economic Development: The Committee found the intent of this legislation of interest. However, there are many questions and much work to be done. For that reason, Interim Study with an active subcommittee is recommended. Vote 14-0.

**HB 1149**, prohibiting any person employed on a salaried basis by a school administrative unit or by any school district from serving on any school board within the state. INEXPEDIENT TO LEGISLATE.

Rep. William A. Riley for Education: It was felt that the issue addressed by this bill would be Inexpedient to Legislate. A constitutional question could arise relative to a prohibition of this sort. Many people from the prime sponsor's hometown and school district appeared and spoke in opposition to this measure. Vote 18-0.

**HB 1334-FN-L**, requiring funds allocated for a special education student to follow the student if the student transfers to another school district. INEXPEDIENT TO LEGISLATE.

Rep. Kathleen M. Hoelzel for Education: There was no testimony to support this measure, and the two sponsors who introduced the bill for a constituent agree the present law is working. This legislation is not necessary. Vote 12-0.

**HB 1490-FN-A-L**, establishing a program in which school districts have the option to test students, faculty and administrators in schools for drugs and alcohol, and continually appropriating a special fund. INEXPEDIENT TO LEGISLATE.

Rep. Nils H. Larson for Education: The Committee recognizes and shares the concerns of the sponsor and the young people who testified in favor of this bill. An effort to find a method to test throughout the public sector was voted inexpedient this January. To duplicate that effort and to limit it only to educational personnel is not practical for this session. Vote 14-0.

**HB 1355-FN**, permitting certain residents on active duty to be issued free hunting and fishing licenses. INEXPEDIENT TO LEGISLATE.

Rep. Richard W. Lougee for Fish and Game: While the intent is good, the Committee felt that military personnel are currently adequately compensated and resident licenses are priced low enough to not create a hardship. The bill would set a precedent of favoring groups, however worthy, at the expense of an already strained department budget, thus negatively affecting their ability to properly manage New Hampshire's fish and game resources. Vote 15-0.

**HB 1203**, prohibiting the disclosure of local welfare records to the public. INEX-PEDIENT TO LEGISLATE.

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: To prohibit the disclosure of local welfare records to the public would essentially tie the hands of welfare officials in communicating with their fellow officers. Courts also would find more suits to "open records" on their overcrowded dockets. Vote 13-0.

**HB 1327-FN**, prohibiting the state from requiring public assistance applicants to cross picket lines to apply for jobs. OUGHT TO PASS WITH AMENDMENT.

Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services: It is the intent of the Legislature by passing this legislation that no citizen shall be denied public assistance from the state or any of its political sub-divisions on the basis of refusing to cross a lawful picket line. The bill does not change the current state guidelines for public assistance, only clarifies them and keeps us in compliance with federal rules for employment security and food stamp programs. There is no new fiscal impact or unfunded mandate for the state. The amendment clarifies the intent by adding the words "the state or any of its political subdivisions." Vote 17-0.

4432L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

prohibiting the state or any of its political subdivisions from requiring public assistance applicants to cross picket lines to apply for jobs.

Amend RSA 167:2-c as inserted by section 1 of the bill by replacing it with the following:

167:2-c Crossing Picket Lines Not Required. If any person receiving assistance under this chapter or RSA 161 is physically able to work, he shall not be required by the state or any of its political subdivisions to cross any lawful picket line in connection with any strike, lock-out, or labor dispute to apply for a job.

#### AMENDED ANALYSIS

This bill prohibits the state or any of its political subdivisions from requiring persons receiving public assistance to cross lawful picket lines to apply for jobs.

**HB 1107-L**, requiring that tax collectors provide property owners with notices of arrearages for property taxes. OUGHT TO PASS WITH AMENDMENT

Rep. Paul A. Golden for Municipal and County Government: This legislation requested by the Department of Revenue Administration is essentially a housekeeping measure addressing the findings of a court decree requiring all current tax bills to include notice of past arrearages and tax sales to be provided to the owner as of April 1. All testimony was favorable. Vote 16-0.

4549L

#### Amendment

Amend RSA 76:11-b as inserted by section 1 of the bill by replacing it with the following:

76:11-b Notice of Arrearage. The tax collector shall provide to the owner as of April 1 or current owner, if known, a summary of all uncollected and unredeemed taxes on the property. This summary may be included on or with the tax bill, or may be sent by separate mailing within 90 days of the due date of the final tax bill.

**HB 1205-FN**, prohibiting the use of highway fund moneys for the purpose of purchasing property to compensate for wetlands taken for highway construction. **INEXPEDIENT TO LEGISLATE.**

Rep. David K. Wheeler for Public Works: The Committee is probably as frustrated as anyone, regarding the cost and time involved in acquiring Federal wetlands permits for highway projects. However, if this bill were to pass, millions of Federal highway dollars would be lost. The Audubon Society, Association of General Contractors, the Society for the Protection of New Hampshire Forests and the Department of Transportation appeared opposing the bill. Vote 14-0.

**HB 1279-FN**, requiring the installation by the state of traffic signal lights at the intersection of route 4 and Oak Street and at the Weeks traffic circle in Dover, New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel P. McNerney for Public Works: The Committee agrees with the Department of Transportation which believes that installation of traffic lights by legislation for specific sites is inappropriate. Vote 14-0.

**HB 1346-FN**, requiring the installation by the state of a traffic signal light at the intersection of route 25 and Moultonborough Neck Road in Moultonborough. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry D. Oliver for Public Works: The Committee, the Department of transportation and Board Selectmen for Moultonborough agree there are several problems with the intersection of Route 25 and Moultonborough Neck Road. These people will discuss these problems and come back at a later time with better legislation. Vote 14-0.

**HB 1383-A-L**, making a bonded appropriation to pay for no more than 50 percent of the costs of cleaning up the Dover municipal landfill. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G. Chandler for Public Works: House Bill 1383 would make bonded appropriation to the city of Dover to pay up to 50 percent of the costs of cleaning up and final closure of the Dover Municipal Landfill. The Committee was very sympathetic to both Dover and Londonderry, who submitted an amendment to include Londonderry in the funding program, but felt the number of municipalities that would apply for this type of program would be significant. Also, it would not be fair to those communities that had already closed their facilities through their own funding mechanisms. The Committee was unanimous in encouraging the Department of Environmental Services to work with communities in battling with the Environmental Protection Agency, and push for more state control over closure plans. The Department of Environmental Services has the technical knowledge to assist communities that are in some cases being asked to spend needless millions of dollars to study or implement programs that are unnecessary, if one is allowed to use some common sense. If passed, this bill would increase state expenditures by \$1,468,025 in 1995, and slightly less amounts in 1996 and 1997. Vote 11-2.

**HB 1389-FN**, requiring certain revenue from the gasoline tax allocated to the department of transportation be used to paint the center and edge lines on the state's highways. **INEXPEDIENT TO LEGISLATE.**

Rep. David K. Wheeler for Public Works: In recent years the Department of Transportation has pursued a less vigorous striping program as a result of a budget reductions. These reductions have not affected the yearly striping of the interstate or

turnpike system. The Committee believes that the Department's approach is an adequate response to the budget restraints. Vote 13-0.

**HB 1101-FN**, relative to certain liquor license fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsy McKinney for Regulated Revenues: This bill continues refining the Recodification of the Liquor Laws by adding military clubs, motor vehicle racetracks and agency stores to the license fee schedule. The bill also clarifies the beverage vendor license fee. Vote 15-0.

4666L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to certain liquor license fees and expanding certain prohibitions regarding competing interest in liquor and wine sales.

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraph; Agency Store Fee. Amend RSA 178:27, II by inserting after subparagraph (b) the following new subparagraph:

(c) Agency store license:

(1) One register \$336

(2) Two-Three registers \$540

(3) Four or more registers \$812

4 New Paragraph; Prohibited Interest Applicable to Other Licensees. Amend RSA 179:11 by inserting after paragraph V the following new paragraph:

VI. The provisions of this section shall also apply to liquor and wine manufacturers, liquor and wine vendors, liquor and wine representatives, and liquor and wine salespersons.

5 Effective Date. This act shall take effect January 1, 1993.

#### **AMENDED ANALYSIS**

This bill adds military clubs and motor vehicle racetracks to the on-sale licensee fee schedule and agency stores to the off-sale licensee fee schedule.

The bill clarifies the applicability of the beverage vendor license fee.

The bill also extends certain prohibitions on certain competing interest applicable to the beverage industry to the wine and liquor industries as well.

**HB 1113**, relative to compatible and conflicting liquor and beverage licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas A. Behrens for Regulated Revenues: By a unanimous vote of 15-0, the Committee recommends passage of House Bill 1113 as amended. Enactment of this legislation will ease the burden of distribution on small brewers. It will also bring into conformity certain language and deletes obsolete references.

4633L

#### **Amendment**

Amend RSA 178:27, VII as inserted by section 7 of the bill to read as follows:

VII. A license, other than a [supplemental] *special, seasonal, fair*, or one day license, shall expire on the last day of the month of the licensee's birthday. When the licensee is not a natural person, all licenses, other than [supplemental] *special, seasonal, fair*, or one day licenses, issued pursuant to this chapter shall expire on the last



day of the month in which such licensee was incorporated or otherwise organized. Any license may be revoked prior to its expiration date by the commission for cause.

#### AMENDED ANALYSIS

This bill requires table wine vendors to designate liquor and wine representatives for their products.

The bill clarifies the types of licenses a liquor and wine representative may hold.

The bill allows local producers of not more than 4,000 barrels of beverages to sell directly to retail licensees, but prohibits them from selling to wholesale distributors without obtaining a beverage vendor license.

The bill divides supplemental licenses into special, seasonal and fair licenses.

**HB 1115**, changing obsolete references within the liquor laws. **OUGHT TO PASS.**

Rep. Thomas A. Behrens for Regulated Revenues: By a unanimous vote of 15-0, the Committee recommends passage of House Bill 1115. This legislation is a house-keeping companion bill to the Liquor Law Recodification - House Bill 1410 of the 1990 Session. Enactment will change certain obsolete references in the liquor laws.

**HB 1116**, relative to certain liquor and beverage licenses. **OUGHT TO PASS.**

Rep. Thomas A. Behrens for Regulated Revenues: By a unanimous vote of 15-0 the Committee recommends passage of House Bill 1116. This legislation is a technical correction companion bill to the Liquor Law Recodification of the 1990 Session. Substantial changes include lengthening seasonal liquor licenses to six months; setting a limit on the amount of liquor and beverages which may be served to a single patron at a specific time and allowing import warehouses to transport liquor in excess of the legal limit.

**HB 1201-FN**, decreasing the license fees for domestic wine manufacturers and wine vendors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frank J. Palazzo for Regulated Revenues: House Bill 1201 was approved by the Committee as amended. The license fee structure for domestic wine manufacturers who produce less than 1000 cases per year was set at \$100. Those who produce more than 1000 cases will pay \$1,140, as under current law. Small business activity in New Hampshire is encouraged, and this bill will certainly be a factor. Vote 15-0.

4461L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the license fee structure for domestic wine manufacturers.

Amend the bill by replacing all after the enacting clause with the following:

1 Fees for Domestic Wine Manufacturers. RSA 178:27, V(a) is repealed and reenacted to read as follows:

(a)(1) Domestic wine manufacturers of less than 1,000 cases of wine per year, \$100.

(2) Domestic wine manufacturers of 1,000 or more cases of wine per year, \$1,140.

2 Effective Date. This act shall take effect July 1, 1992.

## AMENDED ANALYSIS

This bill alters the license fee structure for domestic wine manufacturers such that manufacturers of less than 1,000 cases of wine per year will pay \$100 per year and manufacturers of more than 1,000 cases per year will pay \$1,140 per year, as under current law.

**HB 1271**, allowing a full service restaurant to use a dining room as a lounge on an overflow basis in excess of the lounge area capacity of the restaurant, if the restaurant has annual food sales in excess of \$100,000. INEXPEDIENT TO LEGISLATE.

Rep. Laura C. Pantelakos for Regulated Revenues: This subject has been addressed by the Liquor Commission by a rule. Vote 13-0.

**HB 1057-FN-L**, increasing flat and prorated motor vehicle registration fees and relative to revenue sharing. INEXPEDIENT TO LEGISLATE.

Rep. George N. Katsakiores for Transportation: All testimony heard was in opposition to this piece of legislation. Indications are that this is not a good year to be increasing motor vehicle registration fees. The Committee voted unanimously to recommend the bill be Inexpedient to Legislate. Vote 11-0.

**HB 1169-FN**, relative to free boat registration and boat trailer registration for members of the marine patrol. INEXPEDIENT TO LEGISLATE.

Rep. Roger D. Stewart for Transportation: The Director of Marine Safety testified that there was available in a Coast Guard Grant monies to solve the intent of this bill to financially aid volunteer members of the marine patrol. The Committee voted 11-0 to recommend Inexpedient to Legislate as the problem presented had been solved.

**HB 1199-FN**, regulating charges for towing and storage services for vehicles. INEXPEDIENT TO LEGISLATE.

Rep. Richard Haynes for Transportation: This bill would require the Commissioner of Safety to set rates for towing and storage of motor vehicles by private wrecker companies in the state. The Committee felt that this type of business was highly competitive and therefore rate setting was not necessary. Vote 13-0.

**HB 1234-FN**, establishing a boating endorsement on New Hampshire drivers' licenses, or issuing a special boating license to applicants who do not hold a driver's license. INEXPEDIENT TO LEGISLATE.

Rep. Francis X. Donovan for Transportation: Due to the economy, the Department of Safety does not have the funds to implement this program. The Committee also felt that it would create numerous enforcement problems and not cure any existing problems. Vote 15-0.

**HB 1282-FN**, relative to the transfer of registration between owned and leased vehicles. OUGHT TO PASS WITH AMENDMENT.

Rep. Thaddeus E. Klemarczyk for Transportation: This bill allows the registrant a transfer credit upon a transfer of plates from a private owned motor vehicle to a leased unit as well as leased to private ownership of a motor vehicle. Vote 14-0.

4658L

## Amendment

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Transfer of Registration. Amend RSA 261:66 by inserting after paragraph III the following new paragraph:

IV. Any person who owns a vehicle shall be entitled to transfer the vehicle registration on that vehicle to a leased vehicle and any person who leases a vehicle shall be

entitled to transfer the vehicle registration on that vehicle to an owned or leased vehicle and shall be given the same credit for this transfer as for any transfer of ownership provided under paragraphs I-III of this section. The registration shall be processed to expire according to the formula set forth in RSA 261:62. If the transfer extends the expiration of the existing registration, pro-rated fees shall be charged for the additional months in the new registration period. If the transfer shortens the registration period from the existing registration period, no refund shall be issued. Any person who obtains a vehicle transfer pursuant to this paragraph shall be subject to the vehicle transfer fee.

2 New Paragraph; Credit for Permit Fee. Amend RSA 261:150 by inserting after paragraph II the following new paragraph:

III. Any person who owns a vehicle and transfers the registration on that vehicle to a leased vehicle, and any person who leases a vehicle and transfers the registration on that vehicle to an owned or leased vehicle shall be entitled to a credit for the permit fee in the same manner and subject to the same fee as provided in this section. The registration shall be processed to expire according to the formula set forth in RSA 261:62. If the transfer extends the expiration of the existing registration, pro-rated fees shall be charged for the additional months in the new registration period. If the transfer shortens the registration period from the existing registration period no refund shall be issued.

3 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill allows any person who owns a motor vehicle to transfer that vehicle's registration to a leased vehicle or who leases a motor vehicle to transfer the registration to an owned vehicle. Any such transfer shall entitle the person to a credit for a permit fee. Other transfers shall result in prorated fees or no refund.

**HB 1286-FN**, allowing antique trucks or tractors to be registered at a prorated rate. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E. McDowell for Transportation: The amendment replaces the bill and carries out the intent of the sponsor by changing the statutes so antique trucks and tractors are included in the definition of an antique motor vehicle. A rate is set for their registration. Vote 13-0.

4576L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

allowing antique motor vehicles other than antique motorcycles  
to be registered at a prorated rate.

Amend the bill by replacing all after the enacting clause with the following:

1 Change from Motor Car to Motor Vehicle. Amend RSA 259:4 to read as follows:  
259:4 Antique Motor [Car] **Vehicle** or Motorcycle. "Antique motor [car] **vehicle** or motorcycle" shall mean any motor vehicle over 25 years old which is maintained [solely] for use in exhibitions, club activities, parades and other functions of public interest [and which is not used primarily for the transportation of passengers or goods].

2 Registration of Antique Motor Vehicles Other Than Motorcycles. Amend RSA 261:141, III(r) to read as follows:

(r) For antique motor [cars] *vehicles other than antique motorcycles* — \$6.  
3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows antique motor vehicles other than antique motorcycles to be registered at a prorated rate of \$6. The bill also changes the term “antique motor car” to “antique motor vehicle” for definitional purposes.

**HB 1289**, requiring any watercraft towing an object to display a warning flag. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Haynes for Transportation: This bill would have required any watercraft that is towing an object to display a warning flag. The Committee felt that the 150 ft. safe passage law was sufficient and a flag was sufficient and a flag was not necessary, and this would just be another expense for the boaters. Vote 11-0.

**HB 1377**, banning the use of any boat equipped with an internal combustion engine on the open waters of Stone Pond in the town of Marlborough. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth W. Malcolm for Transportation: The bill was so voted at the request of the sponsor based upon overwhelming objections from the citizens of the town of Marlborough wherein Stone Pond is located. Vote 14-0.

**HB 1487-FN-A**, decreasing the interest and dividends tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara E. Arnold for Ways and Means: In this economy, it is not realistic to reduce the interest and dividends tax. Vote 13-0.

#### REGULAR CALENDAR

**HB 695-FN**, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks. (A) **REFER FOR INTERIM STUDY.**

Rep. Charles W. Ferguson for Appropriations: The Committee found the method of funding in the bill had too many questions that had to be solved and that solutions could not be found within the time frame allowed the committee. The Committee felt a policy committee should further look at the funding, which as written was an unfunded mandate for cities and towns. Vote 21-1.

Rep. Ann Torr declared that a conflict of interest existed and she did not participate.

Adopted.

**SB 172-FN-A**, establishing a committee to study the board and care rates for residents of enhanced family care facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas E. Hall for Appropriations: The bill as amended by the policy committee is now entitled, “An act relative to enhanced family care facilities and making an appropriation therefor.” 303 individuals who are permanently and totally disabled have been living with families in “enhanced family care” settings. These individuals pay their “families” \$522. per month for their round-the-clock care. There has been no increase in this rate for 10 years because the state has not increased its APTD payments to these severely disabled individuals during that period. However, payments to the elderly in “shared homes” was increased 5 years ago. This amended bill will return the parity between care for the elderly and care for the developmentally disabled. The state will spend an additional \$429,028 in FY ‘93, half of which will



come from the General Fund and half from the counties. However, some savings may be realized in the Division of Mental Health's budget if the caring families can be retained or even increased in number; for some disabled individuals, the alternative community housing is a much more expensive fully-staffed 24-hour-day group home. Vote 19-3.

4742L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The purpose of section 3 of this act is to raise the standard of need for residents of enhanced family care facilities to equal the amount for residents of residential care facilities. After the passage of this act, enhanced family care residents and residential care facility residents shall continue to receive the same standard of need in all future budgets.

2 Standard of Need for Enhanced Family Care Facilities. Amend RSA 167:7, I-a to read as follows:

I-a. (a) The director of the division of human services of the department of health and human services may establish different standards of need in the adult programs he administers for residents of residential care facilities and community living homes, subject to appropriated funds and federal regulations. Standards of need may differ between the 2 types of homes and with respect to the level of services and care required by and provided to the recipient. The standards shall be rational and reasonably cost related.

(b) *If the standard of need for residential care facilities is increased pursuant to the annual review required under RSA 167:3-c, II-b, an amount equal to such increase shall be added to the standard of need established for residents of enhanced family care facilities.*

3 Appropriation; Division of Human Services. The sum of \$429,048 for the biennium ending June 30, 1993, is hereby appropriated to the division of human services, department of health and human services, for the purpose of increasing the standard of need of residents of enhanced family care facilities. This appropriation shall be in addition to any other appropriation made to the division of human services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1992.

### AMENDED ANALYSIS

This bill makes an appropriation to the division of human services, department of health and human services, for the purpose of increasing the standard of need of residents of enhanced family care facilities.

The bill also requires equal increases for residents of enhanced family care facilities if the standard of need is increased for residents of residential care facilities.

Adopted.

Report adopted.

Ordered to third reading.

**SB 220-FN**, relative to foster care. OUGHT TO PASS WITH AMENDMENT.

Rep. Mary Jane Wallner for Appropriations: This bill allows the district courts to retain jurisdiction over an estimated 30 children per year who are between the ages of 18 and 21 and in school full-time for the purpose of obtaining a high school diploma. The amendment changes the effective date to July 1, 1992 and appropriates \$106,800

to the Division for Children and Youth Services to accomplish the purpose of the bill. The appropriation is the Committee's best estimate of the need but the full appropriation may not be needed since some of these children are already served through another mechanism. Vote 16-2.

4667L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to the district court's jurisdiction over certain children  
and making an appropriation therefor.

Amend the bill by replacing all after section 3 with the following:

4 Appropriation. The sum of \$106,800 for the fiscal year ending June 30, 1993, is hereby appropriated to the division for children and youth services, department of health and human services for the purposes of this act. This appropriation is in addition to any other funds appropriated to the division for children and youth services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July, 1, 1992.

#### **AMENDED ANALYSIS**

This bill expands the district court's jurisdiction over certain delinquent children and children in need of services to include certain children between the ages of 18 and 21 who are full time students for the purpose of obtaining a high school diploma or general equivalency diploma.

An appropriation is made to the division for children and youth services for the purposes of this bill.

Adopted.

Report adopted.

Ordered to third reading.

**CACR 22**, relating to legislative elections. Providing that members of the house of representatives shall be elected every 4 years. **INEXPEDIENT TO LEGISLATE**.

Rep. Gary R. Gilmore for Constitutional and Statutory Revision: The Committee felt it imprudent and unnecessary for state representatives to be elected for four-year terms. The Committee believes retaining the present system upholds our citizen legislature. Vote 12-1.

Adopted.

**HB 303**, relative to instructions to voters on ballots. **REFER FOR INTERIM STUDY**.

Rep. Carol H. Holden for Constitutional and Statutory Revision: House Bill 303 would change the form of the ballot used in state general elections and would amend the provision of straight ticket voting in state primary and state general elections. The Committee would like the opportunity to address ballot concerns as a whole and bring in our recommendations in the next session. Vote 7-6.

Referred for Interim Study.

**HB 1246-FN**, establishing treatment programs for substance-abusing women and their children. **REFER FOR INTERIM STUDY**.

Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs: The Committee was strongly supportive of the concept expressed in this bill that there is

an urgent need for prevention and treatment programs for women at risk for substance abuse and their children. The Committee does not like to delay the solutions to this serious and expensive problem, but it feels that, as this bill is very comprehensive, some work needs to be done to ensure collaboration among the various agencies involved and to work out the details of the funding sources. Vote 10-2.

Referred for Interim Study.

**HB 1432**, establishing a right to work act which provides for freedom of choice on whether to join a labor organization. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. J. Francis Laughlin for the Majority of Labor, Industrial and Rehabilitative Services: House Bill 1432 would require all union-represented workplaces to operate as open shops regardless of any contrary desires of the employers, the unions, or the majorities of the employees in those workplaces. Open shop arrangements allow employees who are working in positions that are represented by a union to refuse to join or to pay any fees to the union, but to still demand that the union fully represent them and that they receive all benefits negotiated by the union, with the costs of that representation borne by the union and the other employees. No one can be forced to become a member of a union. However, employees can be required to equally share the cost of collective bargaining. In today's society there should not be any such thing as a "free ride." Leadership from both sides testified against the bill along with the Commissioner of Labor. An economist from Merrimack College testified "if you pass this bill you will decrease that state's chances for economic growth." No fiscal note was added, however, if this bill passes tax dollars will be needed to police and enforce this law. Statistics prove no need for this bill. The Subcommittee was a committee-of-the-whole and heard all the testimony. With overwhelming disapproval of our citizens plus the expert testimony heard, the Committee voted 11-6 inexpedient.

Rep. Gary L. Daniels for the Minority of Labor, Industrial and Rehabilitative Services: This bill would remove one of the last remaining vestiges of discrimination in the workplace - forcing individuals to pay dues or fees to a private organization in order to keep their jobs. It retains the freedom people now have to organize a union if they so wish, gives people the freedom to choose whether or not to join a union and prohibits mandatory payment of dues or fees to a union as a condition of employment.

Rep. Daniels moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Reps. Turner, Gilbreth, Guay, Bonnie Packard and Hawkins spoke against.

Reps. Scott Green, Baroody and Chambers spoke against and yielded to questions.

Reps. John Chandler, Lougee and Jasper spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

#### YEAS 134

#### YEAS 134

#### BELKNAP

Accornero, Harry  
Rice, Thomas E. P., Jr.  
Zaharchuk, Peter J., Jr.

Golden, Paul A.  
Shibley, Arnold P.  
Ziegra, Alice S.

#### CARROLL

Bradley, Jeb E.

Foster, Robert W.

#### NAYS 211

Johnson, Carl R.  
Vogler, Charles C.

Wiggin, Gordon E.

**CHESHIRE**

Cole, Stacey W.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.

Hogan, James B.  
Laurent, John J.  
Sawyer, Alfred P.

Hunt, John B.  
Metzger, Katherine H.

**COOS**

Marsh, Beaton

Merrill, Gerald P.

**GRAFTON**

Bean, Pamela B.  
Christy, C. Dana  
Scanlan, David M.  
Ward, Kathleen W.

Brown, Channing T.  
Driscoll, William J.  
Stewart, Roger D.

Brown, Patricia B.  
Lougee, Richard W.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Domaingue, Jacquelyn M.  
Fenton, James J.  
Holden, Carol H.  
Jean, Romeo W.  
Lawrence, Norman B.  
Mason, Howard F.  
Mercer, Robert S.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Upton, Barbara A.  
Wright, George W.

Alukonis, David J.  
Arnold, Barbara E.  
Carpenter, Karen A.  
Daniels, Gary L.  
Drolet, Paul L.  
Ferguson, Charles  
Hultgren, David D.  
Kurk, Neal M.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Moore, Elizabeth A.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Stiles, Walter A.  
Vanderlosk, Stanley R.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Dodge, Emma M.  
Durham, Susan B.  
Healy, Walter F.  
Jasper, Shawn N.  
Lachut, Ervin R.  
Lozeau, Donnalee M.  
McRae, Karen K.  
Ouellette, Robert O.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Tarpley-Bamberger, Nancy L.  
Wheeler, David K.

**MERRIMACK**

Asplund, Bronwyn L.  
Chandler, Earle W.  
Fillion, Paul R.  
Johnson, C. William  
Nichols, Avis B.  
Weeks, John F., Jr.

Barberia, Richard A.  
Chandler, John P.  
Hayes, Robert C.  
Kidder, William F.  
Stapleton, Henry F.  
Whittemore, James A.

Boucher, Laurent J.  
Christie, Thomas J.  
Holmes, Mary C.  
Lewis, Mary Ann  
Stio, Peter M.

**ROCKINGHAM**

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Dube, LeRoy S.  
Hoelzel, Kathleen M.  
McCarthy, John J., Jr.  
Raynowska, Bernard J.  
Senter, Marilyn P.  
Sytek, John J.

Benton, Richardson D.  
Conroy, Janet M.  
Flanagan, Natalie S.  
Lovejoy, Virginia K.  
McKinney, Betsy  
Roulston, Donald L.  
Smith, Arthur W.  
Welch, David A.

Boucher, William P.  
Dowd, Sandra K.  
Hoar, John, Jr.  
MacKinnon, Nancy W.  
Palazzo, Frank J.  
Rubin, George R.  
Sytek, Donna P.  
Weyler, Kenneth L.



**STRAFFORD**

Bickford, Drucilla  
Douglass, Clyde J.  
Jankowski, Peter M.  
Nehring, William H.

Brown, Julie M.  
Flynn, Edward J.  
Marston, Robert E.  
Pelley, Janet R.

Corte, Arthur B.  
Foss, Patricia H.  
Martling, W. Kent

**SULLIVAN**

Domini, Irene C.  
Rodeschin, Beverly T.

Middleton, John A.  
Schotanus, Merle W.

Peyron, Fredrik

**NAYS 211  
BELKNAP**

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Joselyn, William W.  
Turner, Robert H.

Cain, Thomas G.  
Hawkins, Robert S.  
Maviglio, Steven R.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Salatiello, Thomas B.

**CARROLL**

Allard, Nanci A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Beach, Mildred A.  
Dickinson, Howard C.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
Grodin, Richard A.  
Mohr, Frederick C., Jr.  
Riley, William A.

Champagne, Richard L.  
Feuer, Joseph N.  
Kennison, Wayne A.  
Perry, David M.  
Young, David A.

Clark, Eugene W.  
Foster, Katherine D.  
LaMar, David M.  
Pratt, Irene A.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Nelson, Harold D.  
Theriault, Romeo J.

Coulombe, Henry W.  
Horton, Lynn C.  
Oliver, Terry D.

Guay, Lawrence J.  
Mayhew, Josephine  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Dow, David  
LaMott, Paul I.  
Trelfa, Richard T.

Chambers, Mary P.  
Guest, Robert H.  
Larson, Nils H., Jr.  
White, Paul R.

Copenhaver, Marion L.  
Hill, Richard L.  
Nielsen, Niels F., Jr.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baldizar, Barbara J.  
Buckley, Raymond  
Cote, David E.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Emerton, Lawrence A.  
Ford, Nancy M.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Hall, Betty B.

Asselin, Robert P.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Crotty, Edward J.  
Desrosiers, William J.  
Dwyer, Patricia R.  
Ferlan, Arthur P.  
Gage, Ruth E.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.

Baker, George H., Sr.  
Bourque, Ann J.  
Chasse, Richard D.  
Daigle, Robert A.  
Donovan, Francis X.  
Dyer, Merton S.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Green, Scott E.  
Haettenschwiller, Alphonse  
Healy, Daniel J.

Janas, Gregory  
Kelley, Dana F.  
L'Heureux, Robert J.  
Leclerc, Charles J.  
McNerney, Daniel P.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Record, Alice B.  
Soucy, Donna M.  
Wheeler, Robert L.

Johnson, Lionel W.  
Kelley, Robert N.  
Laughlin, J. Francis  
Martin, Mary Ellen  
Messier, Irene M.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Reidy, Frank J.  
Steiner, Lee Anne  
White, John M.

Keane, Cornelius J.  
King, Frank P.  
Lawrence, Eva M.  
McDowell, James E.  
Murphy, Robert E.  
Packard, Bonnie B.  
Peters, Stanley W.  
Smith, Leonard A.  
Turgeon, Roland M.

### MERRIMACK

Apple, Lowell D.  
Daneault, Gabriel J.  
Feuerstein, Martin  
Hall, Douglas E.  
Letourneau, George E.  
Molner, Mary E.  
Teague, Bert  
Yeaton, Charles B.

Braiterman, Thea  
Dunn, Miriam D.  
Gilbreth, Robert M.  
Hill, Michael J.  
Lockwood, Robert A.  
Smith, Gerald R.  
Trombly, Rick A.

Carter, Susan D.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Jacobson, Alf E.  
Millard, Elizabeth S.  
Soldati, Jennifer G.  
Wallner, Mary Jane

### ROCKINGHAM

Bell, Juanita L.  
Caswell, Albert, Jr.  
Clark, Martha Fuller  
Cote, Patricia L.  
Flanders, John W., Sr.  
Haynes, Richard  
Hynes, Carolyn E.  
Katsakiores, George N.  
MacDonald, Joseph A.  
McCain, William F.  
Packard, Sherman A.  
Rosencrantz, James R.  
Skinner, Patricia M.  
Thayer, Leroy C.  
Warburton, Calvin

Brown, Jeffrey M.  
Christie, Andrew, Jr.  
Coffey, John J.  
Dowling, Patricia A.  
Ford, Bert H.  
Hurst, Sharleene P.  
Johnson, Robert A.  
Katsakiores, Phyllis  
Magoon, Harold F.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Schanda, Joseph, Sr.  
Syracusa, Anthony  
Tufts, Arthur  
Wells, Henry E.

Buco, Stephen W.  
Chulack, Peter G., Sr.  
Connell, David R.  
Felch, Charles H., Sr.  
Gage, Beverly A.  
Hutchinson, Karen K.  
Kane, Cecelia D.  
Klemarczyk, Thaddeus E.  
Malcolm, Kenneth W.  
Melnick, Roy E.  
Parr, Edna Pearl F.  
Schmidtchen, Rowland H.  
Terninko, Margaret B.  
Vaughn, Charles L.  
Woods, Deborah L.

### STRAFFORD

Frechette, Roland A.  
Hashem, Elaine M.  
Kinney, Paula J.  
Messier, Donald R.  
Parks, Joe B.  
Torr, Ann M.  
Vincent, Francis C.

Gilmore, Gary R.  
Keans, Sandra B.  
McCann, William H., Jr.  
O'Brien, John  
Spencer, Leo J.  
Torr, Ralph W.  
Wheeler, Katherine W.

Hambrick, Patricia A.  
Kincaid, William K.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Tsiros, William  
Young, John B.

### SULLIVAN

Allison, David C.  
Flint, Gordon B.  
Porter, Robert H.  
and the motion failed.

Behrens, Thomas A.  
Krueger, Richard H.  
Stamatakis, Carol M.

Burling, Peter Hoe  
Lindblade, Eric N.  
Walsh, Robert R.

Report adopted.

Rep. Arnesen notified the Clerk that she wished to be recorded in opposition to the bill.

**HB 1391-FN-A**, taxing commercial amusement machines. INEXPEDIENT TO LEGISLATE.

Rep. Laura C. Pantelakos for Regulated Revenues: The Committee felt with the economy as bad as it is a new tax should not be put in place at this time. Cities and towns throughout the state currently tax these machines. This would also add another layer of bureaucracy with an unknown cost to the state. Vote 8-5.

Adopted.

**HB 1489-FN-A-L**, authorizing casino excursion cruises, imposing state and municipal taxes and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. Arthur P. Klemm, Jr. for Regulated Revenues: The Committee heard the testimony of many people in an all-day hearing. Even though more people spoke opposed to the bill than in favor, the Committee felt that they received some mixed messages from at least one of the communities involved and felt that in the future any community which wishes to pursue this type of activity through local option should come back to the legislature with the support of its citizenry. Vote 10-4.

Adopted.

**HB 1104-FN**, relative to capitalization of the affordable housing fund. OUGHT TO PASS.

Rep. Lowell D. Apple for State Institutions and Housing: On a vote of 11-1 this was passed in Committee. It will provide "seed" money for housing needs in the state. The "seed" money will come from the Federal Government. Vote 11-1.

Adopted.

Ordered to third reading.

**HB 1180**, banning the use of headphones by motorists, bicyclists, and moped operators. INEXPEDIENT TO LEGISLATE.

Rep. Roger D. Stewart for Transportation: The Majority of the Committee felt that this bill which would prohibit any person from wearing headphones or a headset while driving any vehicle on any way of this state was another intrusion in the freedom of the individual and therefore would not support it. Vote 9-2.

Adopted.

**HB 1304**, categorizing motor vehicle child passenger restraints by age and weight. INEXPEDIENT TO LEGISLATE.

Rep. George N. Katsakiores for Transportation: The Committee cited several reasons for not supporting any change in the child passenger restraints statutes at this time. One: the current statutes adequately addressed child passenger restraints; second; the bill as written which requires weight be factored into the law would require law enforcement personnel to carry certified scales making the law difficult to enforce; three; the bill addresses passengers as children up to the age of 18, therefore, the Committee in a 12-0 vote recommends Inexpedient to Legislate.

Adopted.

**HB 317-FN**, relative to a minimum service retirement allowance for group II members.(A) OUGHT TO PASS WITH AMENDMENT.

Rep. Channing T. Brown for Appropriations: This bill allows group II members who retired on a full service retirement allowance to receive a minimum retirement

allowance of \$5200 after deductions of Social Security and benefits from another public body. This applies to retirees prior or subsequent to July 1, 1992. Surviving spouses on an optional allowance are entitled to a proportional share. This bill can affect up to 141 individuals. Funding will be from the special account or if needed the special reserve account. Vote 16-1.

4660L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to a minimum service retirement allowance for group II members and making an appropriation for administrative costs.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Minimum Retirement Allowance, Group II. Amend RSA 100-A:5, II by inserting after subparagraph (b) the following new subparagraph:

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who has retired on a full service retirement allowance shall receive a minimum service retirement allowance of \$5,200. In comparing the minimum service retirement allowance and the full service retirement allowance, the full service retirement allowance shall be the sum of the basic allowance plus COLA's. The provisions of this subparagraph shall not apply to a group II member who has retired on a reduced or on a vested deferred retirement allowance. In the case of a group II member who has retired on a full service retirement allowance, and who has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$5,200 which shall be based upon the optional allowance which the surviving spouse is receiving. Under no circumstances shall the provisions of this subparagraph be construed to reduce the retirement benefits being paid to a group II member as of the effective date of this subparagraph.

(2) The minimum service retirement allowance shall be calculated according to the provisions of this subparagraph. The minimum service retirement allowance shall be reduced by the annual social security benefit currently provided by the Social Security Administration, and any annual benefits currently provided by any public body, within the meaning of RSA 100-A:2, to the group II member. After this deduction, the resulting difference shall be provided to the group II member by the New Hampshire retirement system.

(3) In order to receive the minimum service retirement allowance granted in this subparagraph, the group II member shall file with the New Hampshire retirement system board of trustees the total amount of annual social security benefits plus any annual benefits currently provided by any other public body, within the meaning of RSA 100-A:2, which the member has received as of July 1, 1992.

2 Application. The provisions of section 1 of this act shall apply to group II members who retired prior to or subsequent to July 1, 1992.

#### **3 Funding.**

I. Notwithstanding any provisions of RSA 100-A:16, II(h) to the contrary, the total actuarial cost of providing the additional benefits provided in section 1 of this act for group II members shall be terminally funded from the special account.

II. If there are insufficient funds in the special account established under RSA 100-A:16, II(h) to terminally fund the total actuarial cost of providing the additional



benefits provided in section 1 of this act for group II members, such sum as shall be necessary to fund the total actuarial cost of such additional benefits shall be withdrawn from the appropriate retirement system special reserve account.

4 Appropriation. The sum of \$10,000 is appropriated for the fiscal year ending June 30, 1993, from the New Hampshire retirement system administrative account for the administrative costs related to the purposes of this act.

5 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill permits any group II member who has retired on a full service retirement allowance to receive a minimum service retirement allowance of \$5,200. The provisions of the bill apply to group II members who retired prior to or subsequent to July 1, 1992.

The bill also provides that the minimum service retirement allowance shall be reduced by an amount which equals any other retirement benefits which the group II member receives.

The bill makes an appropriation from the New Hampshire retirement system administrative account for the purposes of this act.

Rep. Channing Brown yielded to questions.

Rep. Roulston: I had a problem which was shared with a couple of my constituents on some of the wording of this bill. We understand the intent, we understand that this is a good bill. But, would you please, sir, for the record, clarify that this does nothing more than establish that minimum threshold.

Rep. Channing Brown: Rep. Roulston, that is correct. This bill in no way takes away anybody's benefit or reduces anybody's benefits. This bill is strictly to make sure that everybody has a minimum benefit of \$5200 and in the case of a surviving spouse, a proportionate share of that \$5200 figure. There were approximately 140 or so people who this would effect in Group II and there were available enough monies in the special account, and, if needed in the reserve account to take care of this. But it is strictly to bring people up to what we figure would be \$100 per week.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1451-FN**, relative to the transportation of pupils living within a certain distance from the school to which they are assigned. OUGHT TO PASS WITH AMENDMENT.

Rep. Stanley N. Searles, Sr. for Education: The present law requires that students must be transported to age 14. The amended bill specifies that only students in grades one through eight would have to be transported. This bill would further allow transportation of kindergarten students if the district desires and repeals the requirement for districts not maintaining a high school to furnish transportation to an approved high school. Vote 17-0.

Rep. Skinner moved that the bill be recommitted to Committee.

Recommitted to Committee.

**HB 1347-A**, appropriating money for design and engineering of a vocational education center in Milford. REFER FOR INTERIM STUDY.

Rep. David K. Wheeler for Public Works: The majority of the Committee supports vocational education; the Committee recommends Interim Study. Members of the Milford School Board, Selectmen and over 40 businesses and individuals support this

bill. However, the Committee would like the direction of the March Milford School District meeting before going forward with this bill. Vote 13-0.

Rep. David Wheeler moved that the bill be recommitted to Committee.

Recommitted to Committee

**HB 1117**, relative to the minimum age requirements for liquor license applicants, relative to employing minors in licensed establishments, and relative to games and amusements on the premises of on-sale licensees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas A. Behrens for Regulated Revenues: By a unanimous vote of 15-0 the Committee recommends passage of House Bill 1117 as amended. This familiar piece of legislation repeals the restriction on video games in licensed establishments and raises the age of employees who serve alcoholic beverages on the premises of on-sale establishments to 18 years of age.

4514L

#### Amendment

Amend RSA 179:23, II as inserted by section 3 of the bill by replacing it with the following:

II. [A bartender, waiter, or waitress in a cocktail lounge, or function room shall be at least 18 years of age.] An on-sale licensee may employ any person not less than [16] **18** years of age to serve or otherwise handle liquor and beverages while employed as a waiter, waitress, ***bartender***, or hostess in [the dining rooms. Nothing in this section shall prohibit a waitress, waiter, or hostess from entering the lounge to fill orders of customers while so employed] ***a licensed premise***. Minors not less than [15] **16** years of age may be employed in dining areas and lounge areas to clean tables, remove empty containers and glasses and assist in stocking. A person at least 18 years of age shall be in attendance and be designated in charge of the employees and business.

#### AMENDED ANALYSIS

This bill requires the owners, directors, and officers of businesses seeking liquor licenses to be at least 21 years of age.

The bill prohibits any minor under the age of 18 from working as a waiter, waitress or bartender for a dining room and minors under the age of 16 from certain tasks in dining room and lounges.

The bill also removes limitations on the number of amusement machines an on-sale licensee may have on the premises.

Adopted.

Rep. Nancy Ford offered a floor amendment.

4789L

#### Floor Amendment

Amend the bill by replacing section 2 with the following:

2 Games and Amusements. Amend RSA 179:19, VI to read as follows:

VI. On-sale licensees may install [up to 3 coin-operated] amusement machines on their premises [at any one time]; **provided, however, that no more than 3 of the amusement machines on any licensee's premises shall be based on games of cards, such as poker or blackjack. Nothing in this paragraph shall be construed as allowing the installation and use of gambling machines as defined and prohibited under RSA 647:2.** [Such] Amusement machines may not be placed within the

confines of a dining room of a full service restaurant. [Non-coin-operated games, such as backgammon, chess, and checkers, may be used without restriction in areas other than dining rooms of full service restaurants. A restaurant licensee with a dining room seating in excess of 250 persons may petition the commission in writing for permission to exceed the 3 machine limitation.]

#### AMENDED ANALYSIS

This bill requires the owners, directors, and officers of businesses seeking liquor licenses to be at least 21 years of age.

This bill prohibits any minor under the age of 18 from working as a waiter, waitress or bartender for a dining room and minors under the age of 16 from certain tasks in dining room and lounges.

The bill also removes limitations on the number of amusement machines, except machines based on games of cards, an on-sale licensee may have on the premises.

Rep. Nancy Ford spoke in favor.

Rep. Behrens spoke against and yielded to questions.

The floor amendment failed.

Report adopted.

Ordered to third reading.

**HB 1299**, providing that beverage wholesale distributor's and beverage manufacturer's fees shall not be reduced if beverage container mandatory deposit legislation is enacted. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert N. Kelley for Regulated Revenues: House Bill 1299 was perceived as a component part of a re-referred bill (HB 699) as amended. House action when HB 699 was considered incorporated a floor amendment which was similar to HB 1299 heard by the Committee. Since action on HB 699 as amended was found Inexpedient to Legislate, the Committee also voted Inexpedient to Legislate by a vote of 14-0.

Rep. Hayes declared that a conflict of interested existed and he did not participate.

Rep. Betty Hall moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke to her motion and yielded to questions.

Rep. Robert Kelley spoke against.

On a division vote, 88 members having voted in the affirmative and 243 in the negative, the motion failed.

Report adopted.

#### RESOLUTION

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet February 11, 1992 at 1:00 p.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

**HB 61-FN**, repealing the prospective repeal of the victims' assistance fund and making technical corrections in the distribution of penalty assessment funds.

**HB 1182-FN**, authorizing the division of human services to establish a system to recoup child support payments made in error, clarifying confidentiality of certain information and allowing the division to close certain cases.

**HB 1320**, extending the time for recording a foreclosure deed and affidavit after a foreclosure sale when such recording is prevented by order or stay of any court or law or the United States Bankruptcy Code.

**HB 1327-FN**, prohibiting the state or any of its political subdivisions from requiring public assistance applicants to cross picket lines to apply for jobs.

**HB 1107-L**, requiring that tax collectors provide property owners with notices of arrearages for property taxes.

**HB 1101-FN**, relative to certain liquor license fees and expanding certain prohibitions regarding competing interest in liquor and wine sales.

**HB 1113**, relative to compatible and conflicting liquor and beverage licenses.

**HB 1115**, changing obsolete references within the liquor laws.

**HB 1116**, relative to certain liquor and beverage licenses.

**HB 1201-FN**, relative to the license fee structure for domestic wine manufacturers.

**HB 1282-FN**, relative to the transfer of registration between owned and leased vehicles.

**HB 1286-FN**, allowing antique motor vehicles other than antique motorcycles to be registered at a prorated rate.

**SB 172-FN-A**, establishing a committee to study the board and care rates for residents of enhanced family care facilities.

**SB 220-FN**, relative to foster care.

**HB 1104-FN**, relative to capitalization of the affordable housing fund.

**HB 317-FN**, relative to a minimum service retirement allowance for group II members and making an appropriation for administrative costs.

**HB 1117**, relative to the minimum age requirements for liquor license applicants, relative to employing minors in licensed establishments, and relative to games and amusements on the premises of on-sale licensees.

Rep. Ann Torr moved that the House stand in recess for the purpose of introduction of bills and enrolled bill reports only.

Adopted.

The House recessed at 3:55 p.m.

## RECESS

Rep. Dana Christy moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 8

Tuesday, February 11, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

Most gracious God, give to all members of this body the gifts of discernment, wisdom and understanding; and grant them energy and encouragement that they may help the people and resources of our state to move in harmony with your purposes for all humankind. Amen.

Rep. Klemm led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Morse, Simon, Nancy Ford, Stacey Cole, Peyron, Dwyer, Lefebvre and Harland, the day, illness.

Reps. David Flanders, Rheault, Robert Jean, Weeks, Marsh, Lynch, Gerard Desrochers, Kincaid, Flint, McRae, Jeffrey Brown, Shackett, Musler, Bell, Marie Hawkinson, Joyce Johnson, Asselin, William McCann, Ward, Larochelle, Griebisch and Whittemore, the day, important business.

Reps. Nordgren, Appleby and Accornero, the day, illness in the family.

### INTRODUCTION OF GUESTS

Pauline Feuerstein, guest of Rep. Feuerstein. Helene Parenteau, guest of Rep. Gosselin. Scott Lovejoy and John Beauleau, husband and guest of Rep. Lovejoy. David Matthews, guest of Rep. Baldizar. Mr. & Mrs. Benjamin Romano, guests of Rep. Welch. Mr. & Mrs. Norman Houle, guests of Rep. Wright.

### COMMITTEE ASSIGNMENTS

Rep. Lee Ann Steiner resigned from Appropriations, appointed to Legislative Administration.

Rep. David Flanders off Executive Departments and Administration, appointed to Regulated Revenues.

### RESOLUTION

Reps. Gross and Chambers offered the following:

**RESOLVED**, that the House inform the Honorable Senate that the House is ready to meet in Joint Convention for the purpose of attending to remarks by Mr. Patrick Buchanan.

Adopted.

### SENATE MESSAGE

### REQUESTS CONCURRENCE

**SB 346**, relative to certain restraining orders and requiring arrest for certain violations of such restraining orders.

**SB 350**, expanding the membership of the task force on mental health and criminal justice and continuing the study of the interactions between the mental health and criminal justice systems.

**SB 353**, relative to copying recordings.

**SB 382**, establishing a study committee on the selection, nomination and confirmation of judicial appointees.

**SB 388-L**, relative to preserving utility licenses on municipal and state discontinued highways.

**SB 401**, removing the exemption from jury service for physicians and surgeons.

**SB 407-FN**, relative to the acceptance of credit cards for motor vehicle related offenses by clerks of court and bail commissioners.

**SB 409-FN**, relative to misrepresentations of weight by commercial packagers.

**SB 413-FN**, allowing nonprofit organizations to use informational signs on certain highways.

**SB 426-FN**, establishing a task force to develop a strategy to train police and prosecutors to successfully prevent, investigate and prosecute sexual assault cases.

**SB 433-FN**, relative to the registration and equipment standards of motor vehicles known as street rods.

**SB 444**, relative to the definition of ski craft.

### SENATE MESSAGE

The Senate is ready to meet in joint convention for the purpose of hearing Presidential Candidate Mr. Patrick Buchanan.

### JOINT CONVENTION

(Speaker presiding)

Mr. Patrick Buchanan, Republican candidate for President, addressed the House.

Sen. Delahunty and Rep. Gross moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

### SUSPENSION OF RULES

Rep. Hager moved that the rules be so far suspended as to permit the Committee on Appropriations to hold public hearings on **HB 1025-A**, relative to budget adjustments for fiscal years 1992 and 1993 and **HB 1153-FN-A**, authorizing the division of human services to assess an administrative fine on employers for failing to comply with an assignment order and continually appropriating such fines to the division.

Rep. Hager spoke in favor.

Adopted by the necessary two-thirds.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1335**, relative to plastic holding devices used in packaging, was removed at the request of Rep. Leonard Smith.

**HB 1466-FN**, defining the term "misconduct" for the purposes of disqualification for benefits, increasing the membership on the advisory council on unemployment compensation and making other changes in the unemployment compensation laws, was removed at the request of Rep. Hawkins.

**HCR 25**, encouraging the operators of cable television systems to utilize a portion of their capacity to deliver commercial-free educational programming, was removed at the request of Rep. Corte.

Consent Calendar adopted.

**HB 1152**, authorizing the office of child support enforcement services, a dependent child or his parent or guardian to receive directly from a health insurer a certificate of insurance covering any dependent child. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry Accornero for Children, Youth and Juvenile Justice: The Committee felt the request for a certificate of insurance and accompanying endorsement and any riders was a reasonable request, in order to make clear what services are covered by the insurance provider and would have little impact on the provider. Vote 13-0.

4699L

#### Amendment

Amend RSA 161-C:3-b, IV as inserted by section I of the bill by replacing it with the following:

IV. In all child support cases administered by the office of child support enforcement services, when the parent or parents responsible for providing health insurance pursuant to a court order obtains health insurance coverage for a dependent child, the dependent child shall be entitled to receive directly from the health insurance provider a copy of the certificate of insurance and any accompanying endorsement and any riders covering such dependent child upon request in writing by the office of child support enforcement services, the dependent child, or his parent or guardian.

**HB 1339**, requiring the division of human services to report certain obligors to consumer reporting agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Deborah P. McIlwaine for Children, Youth and Juvenile Justice: This bill, as amended, requires the Division of Child Support Enforcement to report an obligor in arrears for 60 days or more to consumer credit agencies unless circumstances exist under which the obligor's income is affected. The Committee felt that the amendment strikes a fair balance between the obligor's possible difficulties in paying and the obligor's need to receive adjudicated financial support. Vote 14-0.

4769L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition Added. Amend RSA 161-C:2 by inserting after paragraph VI the following new paragraph:

VI-a. "Obligor" means the person found to be legally liable for child support.

2 New Paragraph; Enforcement; Overdue Obligors. Amend RSA 161-C:26-a by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding the provisions of RSA 359-C or any other law to the contrary, the division shall report to a consumer reporting agency or agencies any obligor who accumulates an arrearage in an amount greater than the legal order of support owed for 60 days payable to or through the division, unless:

(a) A legal order of support is being adhered to by the obligor and the division determines that it is not appropriate to report the obligor;

(b) The obligor's wages are assigned pursuant to RSA 458-B and the division determines it is not appropriate to report the obligor;

(c) The division determines that reporting would cause the obligor hardship in obtaining employment;

(d) A motion to modify is pending which could reduce the arrearage to an amount less than the legal order of support owed for 60 days; or

(e) The division determines that there is good cause not to report the obligor.

3 Reporting to Credit Agencies; Prior Notice. RSA 161-C:26-a, III is repealed and reenacted to read as follows:

III. The division shall give prior notice to the obligor that such financial disclosure is authorized and of the procedures through which he may contest such financial disclosure. If the obligor contests the financial disclosure pursuant to this section, the division shall provide written findings prior to reporting said obligor.

4 Effective Date. This act shall take effect January 1, 1993.

**HB 1371**, permitting an adoptee 21 years of age or older or adoptive parents to discover the identity of the adoptee's natural parents in certain circumstances. INEXPEDIENT TO LEGISLATE.

Rep. Josephine Mayhew for Children, Youth and Juvenile Justice: The Committee decided that the present New Hampshire Statute on information regarding adoption protects the rights of the adoptee, natural parents and adopted parents. In the 1990 Legislative Session the statutes were strengthened so that information pertaining to the life and safety of the child would be made available. Vote 14-0.

**HB 1411-FN-L**, limiting the compensation of certain non-attorney guardians ad litem. INEXPEDIENT TO LEGISLATE.

Rep. Josephine Mayhew for Children, Youth and Juvenile Justice: The Committee does not accept the premise that those who are not attorneys provide a service that is less valuable when serving as guardians ad litem in juvenile cases. Further, the Committee does not wish to take action that is inconsistent with the intent of the legislature, that all guardians ad litem should be better trained and more highly regulated by the Supreme Court. Vote 14-0.

**HB 1470-FN-L**, relative to education of children. INEXPEDIENT TO LEGISLATE.

Rep. Leo J. Spencer for Education: Sufficient time has not passed to judge the merits of RSA 193-A. Both the Committee and the Department of Education will be reviewing this law in the next session. A draft resolution was presented to the Committee to submit to the New Hampshire Supreme Court relative to questions surrounding the constitutionality of certain issues relating to the home schooling law vs. public education. The Committee did not feel the proposal warranted submission to the Court at this time. Vote 19-0.

**HB 1146-FN**, relative to notification prior to pesticide spraying. INEXPEDIENT TO LEGISLATE.

Rep. Gregory L. Hanselman for Environment and Agriculture: As proposed, this legislation would adversely affect the agricultural industry of New Hampshire by discouraging current, responsible pesticide-application procedures. Testimony at a lengthy and well-attended public hearing was overwhelmingly opposed to this bill. Vote 14-0.

**HB 1181-L**, relative to the current use value of land which is posted. INEXPEDIENT TO LEGISLATE.

Rep. David M. Scanlan for Environment and Agriculture: House Bill 1181 is not workable as drafted. The issues that the sponsor attempts to address will be looked at in the study bill created by HB 1242. Vote 17-0.



**HB 1210**, naming the Karner Blue butterfly the state butterfly. OUGHT TO PASS.

Rep. Linda Griebsch for Environment and Agriculture: The Karner Blue Butterfly is the only one of our state-designated flora and fauna that is indigenous only to New Hampshire. Therefore, the Committee felt it was appropriate to designate it the state butterfly. Vote 14-0.

**HB 1242**, establishing a house study committee on certain current use issues. OUGHT TO PASS WITH AMENDMENT.

Rep. David M. Scanlan for Environment and Agriculture: House Bill 1242 continues the study of inequity issues relative to the current use tax program identified by the study committee created by HBI 1 of the 1991 session. There is a broad spectrum of support for this proposal. Some common ground has been established and a real opportunity exists to address problems that have plagued the current use program. Vote 17-0.

4626L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a study committee on certain current use issues.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee on Current Use.

I. There is established a committee to study certain issues in current use taxation. The committee shall consist of the following members:

(a) Five house members, appointed by the speaker of the house, from the following committees:

(1) Three members of the environment and agriculture committee, one of whom shall serve as chairperson of the study committee.

(2) One member of the municipal and county government committee.

(3) One member of the ways and means committee.

(b) Three senators, one of whom shall be a member of the ways and means committee, one of whom shall be a member of the environment committee, and one of whom shall be a member of the economic development committee; appointed by the senate president.

II. The committee shall research the establishment of a new category in current use taxation for "residential open space." It shall also examine the possibility of a statewide fund or funds to reimburse municipalities with a large percentage of land area in current use. The committee may also study any other issues related to the economic burden placed on small towns by current use taxation.

III. The committee shall submit a report, including any recommendations for legislation, to the speaker of the house, the senate president, and the governor on or before November 1, 1992.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a study committee to research and make recommendations on certain current use issues.

This bill is a recommendation of the house environment and agriculture subcommittee on HBI 1 of the 1991 legislative session, relating to equalizing the economic impact of current use taxation.

**HB 1267-FN**, requiring the department of environmental services to submit an accounting on moneys received from the federal government for the Tolend Road landfill in Dover, N.H. and exempting municipalities from contributing moneys for cleanup costs. **INEXPEDIENT TO LEGISLATE**.

Rep. William P. Boucher for Executive Departments and Administration: The sponsor filed this bill as a means to resolve a constituent problem. The problem has gone away. The sponsor now recommends Inexpedient to Legislate. Vote 11-0.

**HB 1394-FN-A**, continually appropriating a portion of physicians' license fees to the department of justice. **OUGHT TO PASS**.

Rep. Lawrence A. Emerton for Executive Departments and Administration: Testimony from all concerned agreed that this legislation is long overdue in today's litigious society. This bill will enable the investigatory capability of the Board of Registration in Medicine to be greatly improved both depth and effectiveness. Passage will not only relieve the overworked Attorney General's Office, but will help other boards when this attorney is not helping the Board of Medicine. Vote 14-0.

Referred to Appropriations.

**HB 1360-FN**, authorizing a tri-state fishing license for New Hampshire residents and residents of Maine and Vermont. **REFER FOR INTERIM STUDY**.

Rep. Richard W. Lougee for Fish and Game: There was interest from several sources in pursuing the ideas of this bill. The Committee believes that further input is necessary from Fish and Game and also from Vermont and Maine. Vote 16-1.

**HB 1258**, requiring the ombudsman within the department of health and human services to contact the person or business investigated after completion of such investigation. **INEXPEDIENT TO LEGISLATE**.

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: The Department of Health and Human Services will establish their own "internal" committee to study the issue of requiring the ombudsman to contact "in a timely fashion" the person or business which was the subject of an investigation. Vote 12-0.

**HB 1333-FN**, requiring a hearing in certain circumstances to determine the need for vocational rehabilitation in workers' compensation claims. **REFER FOR INTERIM STUDY**.

Rep. A. Theresa Drabinowicz for Labor, Industrial and Rehabilitative Services: There was some concern by the Committee and there needs to be more study and so it is being sent to Interim Study, hopefully the Committee can come up with something to improve it. Vote 14-0.

**HB 1408-FN-L**, relative to technical changes in the unemployment compensation law and increasing the amount of taxable wages. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: These are technical changes recommended by the Department of Employment Security. The bill is an agreed upon compromise by most of the organizational representatives dealing with the department. It changes from \$7,000 to \$8,000 the employers' contribution cap in 1994. The bill also makes adjustments to the discount rate from .2 percent to .5 percent in any calendar quarter when the unemployment compensation funds exceeds change from \$100 million to \$200 million; and .2 percent to .5 percent in preceding quarter with change from \$115 million to \$225 million and from .3 percent to .5 percent in preceding quarter with \$130 million to \$250 million. Vote 14-0.

4786L

**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Increase in the Amount of Taxable Wages. Amend RSA 282-A:69, I to read as follows:

I. Contributions shall accrue and become payable by each employer for each calendar year, in which he is subject to this chapter, in an amount equal to 2.7 percent, except as otherwise provided in RSA 282-A:79-90, of the wages paid *or payable* for employment during such calendar year, not to exceed [\$7,000] **\$8,000** which have been paid to an individual in any calendar year. Such contributions shall become due and be paid by each employer to the commissioner of the department of employment security for the fund in accordance with such rules as the commissioner of the department of employment security may adopt and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ; provided that the contributions of an employer becoming subject to the law within any calendar year shall be first due and payable after such employer has satisfied the conditions with respect to becoming an employer. For the purposes of this section, the term "wages" shall include service subject to contribution under any employment security law of another state.

2 Adjustments to the Contribution Rate and the Unemployment Compensation Fund. Amend RSA 282-A:82, I-III to read as follows:

I. There shall be subtracted in any calendar quarter from every employer's contribution rate [.2] .5 percent whenever the unemployment compensation fund equals or exceeds [\$100,000,000] **\$200,000,000** throughout the next preceding calendar quarter.

II. There shall be subtracted in any calendar quarter from every employer's contribution rate [.2] .5 percent whenever the unemployment compensation fund equals or exceeds [\$115,000,000] **\$225,000,000** throughout the next preceding calendar quarter.

III. There shall be subtracted in any calendar quarter from every employer's contribution rate [.3] .5 percent whenever the unemployment compensation fund equals or exceeds [\$130,000,000] **\$250,000,000** throughout the next preceding calendar quarter.

3 Repeal. RSA 282-A:82, IV and V, relative to certain contribution rates, are repealed.

4 Effective Date.

I. Section 1 of this act shall take effect January 1, 1994.

II. The remainder of this act shall take effect July 1, 1992.

**AMENDED ANALYSIS**

This bill increases the employers' contribution cap from \$7,000 to \$8,000 effective January 1, 1994.

The bill also makes adjustments to the reduction in contribution rate associated with the level of funds in the unemployment compensation fund. The bill increases the level of moneys in the compensation fund necessary before any reduction in contribution rate is realized.

**HB 1315-L**, amending RSA 154 relative to firewards and firefighters, exempting fire investigators from having law enforcement backgrounds, and extending a study committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James J. Fenton for Executive Departments and Administration: This amendment delineates the parameters of fire and police personnel operating in their respective disciplines at the scene of a fire and extends the Committee studying fire laws to 1993. Further, the amendment to House Bill 1315 contains a provision to extend the study committee on the Preservation of the State's Historical Flags. The Committee is gathering information and needs additional time to prepare a final recommendation. The \$1 appropriation establishes a line item, as the Committee is empowered to accept gifts and donations for the purposes of conservation of the flags. Vote 11-0.

4694L

### Amendment

Amend the title of the bill by replacing it with the following:

### AN ACT

amending RSA 154 relative to firewards and firefighters, exempting fire investigators from having law enforcement backgrounds, extending the committee studying fire laws, and extending the state historic flag committee and making an appropriation to such committee.

Amend RSA 154:7-a, II and III as inserted by section 8 of the bill by replacing them with the following:

II. The fire officer in charge or his designee may investigate the cause and origin of fires, except as enumerated elsewhere by statute.

III.(a) Upon determination by the fire officer in charge or his designee that a fire is of suspicious or incendiary origin, or when the police officer in charge has reason to believe that the fire resulted from a criminal act, the police officer in charge may:

- (1) Conduct a criminal investigation.
- (2) Restrict access to the scene.
- (3) Collect and secure criminal evidence.
- (4) Gather investigative information.

(b) The powers enumerated under subparagraph III(a) shall only be subject to the authority of the fire officer in charge to extinguish fire, protect against immediate life hazard, and treat and stabilize the sick or injured.

Amend the bill by replacing section 30 with the following:

30 State Historic Flag; Committee Extended. Amend 1990, 34:4 as amended by 1991, 170:4 to read as follows:

34:4 Report.

I. The committee shall submit its findings and recommendations to the speaker of the house, the president of the senate, and the governor before or during the [1991] **1992** legislative session and shall recommend an appropriation for consideration during the [1991] **1992** legislative session.

II. If the committee is unable to complete its report within the [1991] **1992** session due to time limitations, the committee shall submit its findings and recommendations to the speaker of the house, the president of the senate, and the governor in time for submission of a supplemental appropriation for the [1992] **1993** legislative session.



31 Additional Appropriation. The sum of \$1 for the fiscal year ending June 30, 1992, is hereby appropriated to the committee established in 1990, 34:2 as amended by 1991, 170:2 and by section 30 of this act for the purposes of this act. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

32 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill results from the report of a committee established in 1991, 157 to study RSA 154, relative to firewards and firefighters. The bill makes technical corrections in RSA 154 and updates certain provisions relating to aid to disabled firefighters and burial expenses for firefighters who die in the line of duty.

The bill exempts fire investigators investigating fires under RSA 154:7-a from the requirement of having a law enforcement background.

The bill extends the committee established under 1991, 157 and requires such committee to study the issues of accountability and liability of fire departments operating in New Hampshire. The committee is to submit its findings and recommendations in the form of a report to the speaker of the house, president of the senate and governor on November 1, 1992.

The bill also extends the state historic flag committee established under 1990, 34 and makes an appropriation to that committee.

**HB 1111**, relative to liquor and beverage licensees delinquent in paying accounts and relative to advertising liquor and beverages. OUGHT TO PASS WITH AMENDMENT.

Rep. Thomas A. Behrens for Regulated Revenues: The Committee by a vote of 12-0 endorses the return to the Liquor Commission of the ability to suspend licenses for nonpayment. The repeal of this tool was an experiment which did not work. The return to the Commission of suspension powers is accompanied by better notification procedures and a longer grace period before suspension. Vote 12-0.

4629L

#### Amendment

Amend RSA 179:13, V as inserted by section 3 of the bill by replacing it with the following:

*V. Each wholesale distributor or beverage manufacturer shall notify any retailer reported to the commission pursuant to RSA 179:13, I who is delinquent in making payment of account. Notification shall be delivered in writing to the licensee by a representative of the wholesaler or beverage manufacturer. Proof of notification shall be forwarded to the commission, whose enforcement division shall issue an administrative notice for a violation of the provisions of RSA 179:13, I and shall forward a report of violation for administrative action. Any license issued to any business violating the provisions of RSA 179:13, I may be suspended by the commission for nonpayment of accounts which are delinquent more than 15 days from the date of the wholesaler distributor's or beverage manufacturer's notification, providing the requirements of this section have been met.*

**HB 1114**, adding and changing certain definitions in the liquor laws including "billboard," "common carrier," "happy hour," "public building," "racetrack," "private group," and "liquor and wine import warehouser." OUGHT TO PASS WITH AMENDMENT.

Rep. Thomas A. Behrens for Regulated Revenues: The Committee by a vote of 13-0 requests the passage of this legislation. House Bill 1114 corrects certain definitions necessary to the proper interpretation of the Liquor Laws. The definition change concerning racetracks will allow certain motor speedways to apply for on-premise licenses. Vote 13-0.

4682L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

adding and changing certain definitions in the liquor laws and  
relative to the transportation of wine and liquor.

Amend RSA 175:1, XXIV-a as inserted by section 2 of the bill by replacing it with the following:

XXIV-a. "Common carrier" means a person who, for a fee, provides public transportation of goods or persons and who is licensed by the New Hampshire department of safety.

Amend the bill by inserting after section 7 the following new section and renumbering the original sections 8 and 9 to read as 9 and 10, respectively:

8 Liquor and Wine Import Warehouse License. Amend RSA 178:5, II to read as follows:

II. Import warehouseers licensed under paragraph I may transport wine and liquor, *sold to the commission or through the commission to licensees*, from their own warehouses directly to state liquor stores and on-premise and off-premise licensees, *as applicable*, in accordance with rules adopted by the commission pursuant to RSA 541-A, for the purposes of enhancing service to the state and its licensed purchasers, increasing selection for the benefit of consumers, and reducing the operating expenses of the state.

#### AMENDED ANALYSIS

This bill adds or changes the definitions of "billboard," "common carrier," "happy hour," "public building," "racetrack," "private group," and "liquor and wine import warehouse" in the liquor laws.

The bill also allows liquor and wine import warehouse licensees to transport wine and liquor if the wine and liquor are sold to the commission or through the commission to the licensee.

**HB 1130**, relative to ejecting persons from racetracks whose presence is inconsistent with proper conduct of a race meet. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert N. Kelley for Regulated Revenues: This bill merely strengthens the existing statute that allows persons to be ejected from racetracks whose offensive conduct is detrimental to the proper conduct of a race meet. The words "such presence" is added to RSA 284:39-I. This now allows a licensee of a racetrack to refuse to admit, or eject, any person whose conduct is inconsistent with the orderly and proper conduct of a race meet. The amendment merely states that pari-mutuel tickets which remain unclaimed after 11 months shall not be paid. This is a housekeeping measure that will aid the Commission's record keeping. Vote 13-0.

4515L

#### Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to ejecting persons from racetracks whose presence is inconsistent with proper conduct of a race meet and relative to unclaimed pari-mutuel pool tickets.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Refund of Unclaimed Ticket Money. Amend RSA 284:31 to read as follows:

284:31 Unclaimed Ticket Money. On or before January 31 of each year every person, association or corporation conducting a race or race meet, *whether live racing or simulcast racing*, hereunder shall pay to the state treasurer all moneys collected during the previous year of pari-mutuel pool tickets which have not been redeemed. The books or records of said person, association or corporation, which clearly show the tickets entitled to reimbursement in any given race, *live or simulcast*, shall be forwarded to the commission. Such moneys shall become a part of the general funds of the state. The state treasurer shall pay the amount due on any ticket to the holder thereof from funds not otherwise appropriated upon an order from the commission. *Pari-mutuel tickets which remain unclaimed after 11 months shall not be paid.*

## AMENDED ANALYSIS

Current law allows the licensee of a race track to refuse to admit, or eject, any person whose conduct is inconsistent with the orderly and proper conduct of the race meet. This bill expands this provision to allow such action by the licensee when a person's presence is inconsistent with the orderly and proper conduct of the race meet. This bill clarifies the definition of race to include both live and simulcast racing and limits the time that a pari-mutuel ticket for simulcast or live racing can be redeemed to eleven months.

**HB 1255-FN**, relative to the number of big bingo games charitable organizations may conduct, increasing the one game date prize total value from \$3,500 to \$14,000, and decreasing the bingo tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsy McKinney for Regulated Revenues: This bill permits a charity to conduct four large events per year with a maximum of 200 people per event. This same bill was passed two years ago and "died" in the Senate. The Committee felt that this bill was necessary to allow the small bingo games the ability to compete with large commercial games by offering larger prizes. Vote 13-0.

4594L

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to the number of big bingo games charitable organizations may conduct and increasing the one game date prize total value from \$3,500 to \$14,000.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

## AMENDED ANALYSIS

This bill amends existing law governing bingo games to permit charitable organizations to conduct 4 big game bingo events per year with a maximum of 200 persons per game. The organization shall charge \$100 for 15 cards and \$5 each for additional

cards. Twenty games would be played for prize money of \$500 each and 4 games would be played for \$1,000 each. The state would collect a 7 percent tax on the proceeds collected from big game bingo events as provided under current law.

This bill also increases the one game date prize total value from \$3,500 to \$14,000.

**HB 1252-FN**, creating exceptions from and reciprocity for state water laboratory certification and clarifying the use of fees for certifying state water laboratories. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert E. Marston for Resources, Recreation and Development: This bill makes minor adjustments to the state water laboratory certification program. These changes allow the Department of Environmental Services to enter into reciprocal agreements with other states on laboratory certification and allows the Department of Environmental Services to include the salary of laboratory staff in the expenses that the Department can charge the laboratories it is certifying. Vote 15-0.

4731L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

creating exceptions from and reciprocity for state water laboratory certification, clarifying the use of fees for certifying state water laboratories, and changing the special account into a special continuously appropriated revolving fund account.

Amend RSA 485:46 as inserted by section 3 of the bill by replacing it with the following:

3 Use of Fees; Political Subdivisions Exempted. Amend RSA 485:46, II to read as follows:

II. The schedule of fees shall be designed to recover *the costs of staff and* the direct cost and travel expenses associated with the certification services provided under RSA 485:44, and such fees shall be available to the department to be used to defray the cost of *staffing, and the cost of* travel and associated expenses for such services. Funds received shall be deposited in a special *revolving fund* account maintained by the department *which shall be continuously appropriated to the department* to offset the costs of the [inspection] *certification* program. [Any balance remaining at the end of the fiscal year shall lapse to the general fund.] This paragraph shall not be construed to mean that all agency costs associated with the certification program, such as agency overhead[,] *and* facilities[, and staff services] are to be prorated and recovered by fees. *Political subdivisions shall be exempt from application fees under this section.*

### AMENDED ANALYSIS

This bill adds certain exceptions from certification for state water laboratories, allows certification fees to be used for staffing and costs associated with certification services, and permits the department of environmental services to enter into reciprocal agreements with other laboratories that are certified by the United States Environmental Protection Agency.

This bill also changes the special account into a special continually appropriated revolving account and exempts political subdivisions from certification fees.

Referred to Appropriations.



**HB 1260**, allowing the maintenance of man-made drainage pools for sanitary purposes. INEXPEDIENT TO LEGISLATE.

Rep. Howard C. Dickinson for Resources, Recreation and Development: The subject of this bill will be covered in the study proposed in House Bill 1343. Vote 14-0.

**HB 1266-FN**, relative to the wetlands board directing minor impact applications to board staff and major impact applications and hearings appeals to the board. INEXPEDIENT TO LEGISLATE.

Rep. Howard C. Dickinson for Resources, Recreation and Development: The subject of this bill will be covered in the study proposed in House Bill 1343. Vote 14-0.

**HB 1338**, relative to the definition of "wetlands." INEXPEDIENT TO LEGISLATE.

Rep. Howard C. Dickinson for Resources, Recreation and Development: The subject of this bill will be covered in the study proposed in House Bill 1343. Vote 14-0.

**HB 1343-FN**, relative to the approval of wetlands minimum impact projects by individuals actively engaged in agricultural or forestry practices. OUGHT TO PASS WITH AMENDMENT.

Rep. Howard C. Dickinson for Resources, Recreation and Development: House Bill 1343, as amended, sets up a study of wetlands issues originally proposed in this bill, as well as those included in House Bill 1260, House Bill 1266, House Bill 1338 and House Bill 1413. The sponsors of these bills agree that a study would suit their purpose. Vote 13-0.

4744L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a committee to review wetlands projects and related issues.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established. There is hereby established a committee to review wetlands projects and related issues. The committee shall consist of the following members:

I. Five members from the house resources, recreation and development committee, appointed by the speaker of the house, one of whom shall be appointed chairman.

II. Three senators from the senate environment committee, appointed by the senate president.

2 Duties. The duties of the committee shall include but not be limited to review of the following:

I. Issues relative to wetlands minimum and minor impact projects, with a specific focus on streamlining the approval process.

II. Emergency repair of shoreline damage around ponds and lakes.

III. Maintenance and replacement of small farm ponds, drainage and retention ponds and ditches, fire ponds and other man-made water impoundments.

IV. The state and federal definitions and delineations of wetlands.

V. The filing fee for minimum impact projects approved by the department of environmental services.

VI. River bank stabilization by vegetative means.

3 Meetings; Mileage. Appointments to the committee shall be made within 30 days of the effective date of this act, and the first meeting of the committee shall be held

within 60 days of the effective date of this act. Legislative members of the committee shall receive mileage at the legislative rate.

4 Report. The committee shall report its findings and recommendations for legislation to the governor, the speaker of the house and the senate president on or before November 1, 1992.

5 Effective Date. This act shall take effect 30 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to review wetlands projects and related issues.

The committee shall submit its recommendations for legislation and reports to the governor, the speaker of the house, and the senate president by November 1, 1992.

**HB 1365-FN**, imposing a boat fee on non-motorized craft to be used to establish a fund to provide public access for non-motorized craft. REFER FOR INTERIM STUDY.

Rep. Steven R. Maviglio for Resources, Recreation and Development: The Committee would like to study the issue of funding public access in the event that House Bill 601, a comprehensive public access bill is not enacted. This legislation would be a vehicle for such a study. The Committee has no interest in registering canoes and other boats included in this bill and will not consider that subject in this study. Vote 11-4.

**HB 1413-FN**, giving shorefront property owners the right to protect their property from erosion. INEXPEDIENT TO LEGISLATE.

Rep. Howard C. Dickinson for Resources, Recreation and Development: This bill, which addresses emergency repair of shoreline damage, is included in the study proposed in House Bill 1343. Furthermore, the Commissioner of the Department of Environmental Services assured the Committee that his agency would act promptly to assist all property owners in the state with the repair of storm damage. Vote 14-0.

**HB 1426**, authorizing water users registered and reporting their use to the division of water resources to continue such use for the 1992-93 biennium. OUGHT TO PASS.

Rep. Steven R. Maviglio for Resources, Recreation and Development: This bill extends the date that authorized water users registered and reporting their use to the Division of Water Resources are authorized to take water through the 1992-93 biennium. The law currently authorizes water withdrawals until November 1992, leaving a gap between the time the study committee's report has been filed and the time legislation is signed into law. Passage of the bill will close the gap. Vote 12-0.

**HB 1495-FN**, transferring harbor masters from the port authority to the department of resources and economic development and requiring harbor master appointments to be made from town nominees, requiring mooring fees to be used for harbor dredging, and repealing powers of arrest granted to harbor masters. OUGHT TO PASS WITH AMENDMENT.

Rep. Mary Ann Lewis for Resources, Recreation and Development: House Bill 1495, as amended, establishes a study committee to address issues related to the management of our seacoast resources, not the least of which may be questions concerning the role and functions of our harbor masters. Vote 15-0.

4741L

#### Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

establishing a committee to study the management of New Hampshire tidal waters and related issues.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee on Tidal Harbor Management Established. There is hereby established a committee to study issues related to the management of New Hampshire tidal waters. The committee shall consist of the following members:

I. Two senators, appointed by the senate president.

II. Two representatives, appointed by the speaker of the house, who shall call the first meeting within 30 days of the effective date of this act.

III. The chairman of the New Hampshire state port authority board, or designee.

IV. The commissioner of the department of resources and economic development, or designee.

V. The commissioner of safety, or designee.

VI. The coastal commissioner of the fish and game commission, or designee.

VII. Three New Hampshire residents, 2 from the seacoast area and one from outside the seacoast area, appointed by the governor.

2 Duties. The committee's responsibilities shall include, but not be limited to, the following:

I. Identifying ways to increase the efficiency of the expenditure of state resources.

II. Identifying methods to streamline the efforts of public agencies engaged in tidal harbor management.

III. Identifying measures to increase public awareness and enhance the image of tidal harbor management by reviewing the following:

(a) The role and functions of harbormasters.

(b) Harbor related revenue sources, including mooring and dock fees, leases and any other user fees.

IV. Holding public hearings convenient to cities and towns affected.

3 Meetings; Compensation. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee. The committee shall elect a chairman from among its members at the first meeting.

4 Report. The committee shall make a report of its findings, including recommendations for legislation to the senate president, the speaker of the house and the governor on or before November 1, 1992.

5 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill establishes a study committee to review issues related to the management of New Hampshire tidal waters.

The committee shall report its findings and recommendations for legislation to the senate president, the speaker of the house and the governor on or before November 1, 1992.

**HB 1126-FN**, allowing the public utilities commission to appoint a receiver or to take over the operations of any utility with annual revenues below \$2,000,000 which fails to provide adequate service. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ralph J. Rosen for Science, Technology and Energy: This bill broadens the authority of the Public Utilities Commission to intervene when a small utility fails to

perform satisfactorily. It permits immediate action in cases of unsafe operation in addition to routine notice/hearing procedures for continuing poor service. Vote 9-0.

4785L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Proceedings for Failure to Perform Duties. Amend RSA 374:47-a to read as follows:

374:47-a Receiver for [Water] **Public** Utilities. In addition to the procedure in RSA 374:41-47, whenever the commission finds that a [water] **public** utility regulated by the commission and having gross annual revenues of less than [\$100,000] **\$2,000,000** is failing to provide adequate and reasonable service to its customers, **and that such failure is a serious and imminent threat to the health and welfare of the customer of the utility**, [and after notice and hearing,] the commission may appoint a receiver or direct its staff to take such temporary action as is necessary to assure continued service. **The commission may also appoint a receiver or direct its staff to take such temporary action as is necessary to assure continued service if, after notice and hearing, the commission finds that any public utility regulated under this chapter is consistently failing to provide adequate and reasonable service.** In carrying out its responsibilities, the staff shall have the authority to gain access to all company [water] utility assets and records, and to manage the company's assets in a manner which will restore or maintain an acceptable level of [water] service. They shall be authorized to expend existing company [water] utility revenues for labor and materials and to commit additional expenditures as are essential to providing an acceptable level of [water] service, such expenditures to be funded in accordance with generally accepted rate-making practices. Any costs incurred by the commission, its staff or appointed receiver under this section shall be the responsibility of the [water] utility or its customers. The authority vested in this section shall be for a period of no more than 30 days, unless the commission otherwise directs after hearing and order.

2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1159-FN**, relative to when municipal sewage disposal systems are considered public utilities. **OUGHT TO PASS.**

Rep. Ralph J. Rosen for Science, Technology and Energy: The bill exempts certain bulk municipal sewer service agreements from PUC regulation. This bill is a request of the Public Utilities Commission. Vote 9-0.

**HB 1431-FN**, requiring electric utilities to submit reports on their progress in implementing least cost energy plans and requiring the public utilities commission to submit a biennial report detailing least cost resource planning and implementation in the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles C. Vogler for Science, Technology and Energy: The Public Utilities Commission (PUC) has agreed to provide annual reports on their progress in implementing least cost energy plans. Therefore, this bill is not required and was therefore voted as Inexpedient to Legislate. Vote 9-0.

**HB 1144**, relative to the examination of school bus operators. **OUGHT TO PASS.**

Rep. Roger Stewart for Transportation: This bill changes the law relative to physical examinations of school bus operators to meet the federal guidelines. The physicals will be valid for a two year period. The Committee agreed with the Department of Education's suggestion. Vote 15-0.



**HB 1204**, requiring the director of motor vehicles to notify any seriously injured person when the director conducts a license revocation or suspension hearing regarding a motor vehicle accident involving a fatality or serious injury. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Roger Stewart for Transportation: This bill requires the Director of Motor Vehicle to notify any seriously injured person when a hearing is to be conducted concerning a vehicle accident involving that person. The amendment was only to make the bill consistent throughout. The Committee felt the issue should be contained in statute. Vote 14-0.

4561L

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Notification Where Serious Injury. Amend RSA 263:56, IV to read as follows:

IV. In proceedings concerning accidents involving motor vehicle fatalities *or serious injury*, the director shall not give weight to the lack of a criminal prosecution relative to the accident in making his decision concerning license suspension or revocation. In any hearing conducted under the provisions of this section regarding a fatality, the decedent's next of kin shall receive notice of the hearing, shall have the right to be present at the hearing, and shall be permitted to testify at the hearing. *In any hearing conducted under the provisions of this section regarding a serious injury, any seriously injured person shall receive notice of the hearing, shall have the right to be present at the hearing, and shall be permitted to testify at the hearing.* The decedent's next of kin *or any seriously injured person*, if aggrieved by the director's order, shall have standing under RSA 263:76 to file a petition of review in the superior court for review of the questions of law in the director's order. If an appeal is made under RSA 263:76 concerning an accident involving a motor vehicle fatality *or serious injury*, the decedent's next of kin *or any seriously injured person* shall be notified of the filing of the appeal and the date of the appeal hearing and shall have the right to make a written statement to the court at the time of the hearing. The director shall be deemed to have complied with this paragraph provided that he has notified by certified mail with return receipt requested *the seriously injured person or* at least one of the next of kin who is, if possible, of the age of majority and listed in RSA 259:66-a and who has been identified as a result of a review of division records or of information made known to the division.

**HB 1313**, prohibiting petroleum-powered boats and controlling the speed of other types of power boats on Cunningham Pond in the town of Peterborough. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Haynes for Transportation: Senate Bill 193 requires the Commissioner of Safety to hold a hearing in the vicinity of a body of water when petitioned concerning boat speed, horsepower, etc. The Department is more qualified to make such decisions after a hearing is held during the summer months in the proximity of the lake or pond in question. Vote 15-0.

**HB 1337**, banning the use of internal combustion engines on Gilmore Pond in the town of Jaffrey. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Haynes for Transportation: Senate Bill 193 requires the Commissioner of Safety to hold a hearing in the vicinity of a body of water when petitioned concerning boat speed, horsepower, etc. The Department is more qualified to make

such decisions after a hearing is held during the summer months in the proximity of the lake or pond in question. Vote 13-2.

**HB 1419**, prohibiting the use of internal combustion engines on Moores Pond in the towns of Tamworth and Madison. INEXPEDIENT TO LEGISLATE.

Rep. Richard Haynes for Transportation: Senate Bill 193 requires the Commissioner of Safety to hold a hearing in the vicinity of a body of water when petitioned concerning boat speed, horsepower, etc. The Department is more qualified to make such decisions after a hearing is held during the summer months in the proximity of the lake or pond in question. Vote 15-0.

**HB 1446-FN**, requiring automobile dealers to register all demonstration cars. INEXPEDIENT TO LEGISLATE.

Rep. Carl S. Adams for Transportation: Testimony indicates that dealers are presently policing the proper use of dealer plates. Loss of these plates could seriously hamper their ability to operate. The Committee saw no need to impose another expense to the dealers. Vote 12-0.

**HB 1148**, relative to technical corrections in certain tax laws. OUGHT TO PASS.

Rep. Frederick G. Ahrens for Ways and Means: This bill was requested by the Department of Revenue Administration to make certain technical corrections in tax laws, including limits on imposition of penalties and late payment charges against utilities that request an extension of time to file returns, increases on the life of certain liens from 3 to 6 years and amending certain sections concerning tax adjustments. Vote 13-0.

### REGULAR CALENDAR

**HB 1332**, removing the prohibition on use or possession of tobacco products by minors. OUGHT TO PASS WITH AMENDMENT.

Rep. Virginia K. Lovejoy for Children, Youth and Juvenile Justice: This bill would remove prohibition on the possession of tobacco products by minors. The present law on the books, dealing with possession of tobacco products by minors, never had a public hearing, and has had many problems in attempts to enforce, plus significant cost to cities and towns. Vote 12-2.

4730L

### Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

On a division vote 145 members having voted in the affirmative and 142 in the negative, the amendment was adopted.

### SPECIAL ORDER

Rep. Jasper moved that **HB 1332**, removing the prohibition on use or possession of tobacco products by minors, be made a special order for February 20, spoke in favor and yielded to questions.

Rep. Lovejoy spoke against.

Reps. William McCain and Robinson spoke against and yielded to questions.

Rep. Lougee spoke in favor.

Rep. Donna Sytek spoke in favor and yielded to questions.

On a division vote, 189 members having voted in the affirmative and 120 in the negative, the motion was adopted.

**CACR 20**, relating to general court membership size. Providing that the house membership shall be 250 and the senate membership shall be 36. **OUGHT TO PASS WITH AMENDMENT.**

Rep. LeRoy S. Dube for Constitutional and Statutory Revision: The Committee divided the question on CACR 20. The original CACR provided that the House membership decrease from 400 to 250 and that the Senate membership increase from 24 to 36. The Committee felt that the present Senate chamber could accommodate the increase to 36 members and that the increase in number would help with the heavy workload of the Senate. Vote 13-0.

4714L

### Amendment

Amend the title of the resolution by replacing it with the following:

**CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT**

**RELATING TO:** senate membership size.

**PROVIDING THAT:** the senate membership shall be 36.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 25 of the second part of the constitution be amended to read as follows:

[Art.] 25 [Senate. How Constituted.] The senate shall consist of [twenty-four] **36** members.

II. That article 26 of the second part of the constitution be amended to read as follows:

[Art.] 26 [Senatorial Districts, How Constituted.] And that the state may be equally represented in the senate, the legislature shall divide the state into [single-member] **36** districts, as nearly equal as may be in population, each consisting of contiguous towns, city wards and unincorporated places, without dividing any town, city ward or unincorporated place. *Each district shall be represented by one senator.* The legislature shall form the single-member districts at its next session after approval of this article by the voters of the state and thereafter at the regular session following each decennial federal census.

III. That article 27 of the second part of the constitution be amended to read as follows:

[Art.] 27 [Election of Senators.] The [freeholders and other] inhabitants of each district, qualified as in this constitution is provided, shall biennially give in their votes for [a senator] *one senator from their respective district*, at some meeting [holden] *held* in the month of November.

IV. That article 37 of the second part of the constitution be amended to read as follows:

[Art.] 37 [Senate to Elect Their Own Officers; Quorum.] The senate shall appoint their president and other officers, and determine their own rules of proceedings[: And]. Not less than [thirteen] **19** members of the senate shall make a quorum for doing business; and when less than [sixteen] **24** senators shall be present, the assent of [ten] **15**, at least, shall be necessary to render their acts and proceedings valid.

V. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1992.

VI. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1992 election an article to the following

effect: To decide whether the amendments of the constitution proposed by the 1992 session of the general court shall be approved.

VII. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution to increase the number of senators from 24 to 36 members, each of whom shall represent a single district?

VIII. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1992 General Court" shall be printed in bold type at the top of the ballot.

IX. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

#### AMENDED ANALYSIS

This constitutional amendment-concurrent resolution increases from 24 to 36 the senate membership.

Rep. Teague spoke against.

Rep. Holden spoke in favor.

On a division vote, 173 members having voted in the affirmative and 141 in the negative, the amendment was adopted.

The question being to Order to third reading.

Roll call request sufficiently seconded.

#### YEAS 197

#### NAYS 126

#### YEAS 197 BELKNAP

Bartlett, Gordon E.  
Joscelyn, William W.  
Shibley, Arnold P.

Cain, Thomas G.  
Maviglio, Steven R.  
Zaharchuk, Peter J., Jr.

Campbell, Richard H., Jr.  
Rice, Thomas E. P., Jr.  
Ziegra, Alice S.

#### CARROLL

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.

Daly, Robert J., Jr.  
Foster, Robert W.

Dickinson, Howard C.  
Saunders, Howard N.

#### CHESHIRE

Burnham, Daniel M.  
Hogan, James B.  
Mohr, Frederick C., Jr.  
Young, David A.

Feuer, Joseph N.  
Hunt, John B.  
Perry, David M.

Grodin, Richard A.  
Kingsbury, H. Thayer  
Pratt, Irene A.

#### COOS

Buckley, C. Fitzgerald  
Mayhew, Josephine

Coulombe, Henry W.  
Merrill, Gerald P.

Horton, Lynn C.  
Pratt, Leighton C.

#### GRAFTON

Bean, Pamela B.  
Chambers, Mary P.  
Lougee, Richard W.  
Trelfa, Richard T.

Brown, Channing T.  
Copenhaver, Marion L.  
Scanlan, David M.  
White, Paul R.

Brown, Patricia B.  
Larson, Nils H., Jr.  
Teschner, Douglass P.



**HILLSBOROUGH**

Ahrens, Frederick G.	Alukonis, David J.	Amidon, Eleanor H.
Andrews, Frederick B.	Arnold, Barbara E.	Baker, George H., Sr.
Baldizar, Barbara J.	Baroody, Benjamin C.	Bourque, Ann J.
Bowers, Dorothy C.	Buckley, Raymond	Calawa, Leon, Jr.
Chasse, Richard D.	Clemons, Jane A.	Cote, David E.
Cowenhoven, Garret P.	Crotty, Edward J.	Daigle, Robert A.
Drabinowicz, A. Theresa	Drolet, Paul L.	Durham, Susan B.
Dyer, Merton S.	Emerton, Lawrence A.	Fenton, James J.
Ferlan, Arthur P.	Gagnon, Eugene L.	Gosselin, Gerald O.
Green, Scott E.	Greenglass, Alan B.	Hall, Betty B.
Healy, Walter F.	Holden, Carol H.	Hultgren, David D.
Johnson, Lionel W.	Jordan, Mary H.	Kelley, Robert N.
L'Heureux, Robert J.	Lawrence, Norman B.	Lown, Elizabeth D.
Lozeau, Donnalee M.	Martin, Mary Ellen	Mason, Howard F.
McDowell, James E.	Mercer, Robert S.	Nardi, Theodora P.
O'Rourke, Joanne A.	Pepino, Leo P.	Peters, Stanley W.
Record, Alice B.	Robinson, Ellen-Ann	Rodgers, G. Philip
Rothhaus, Finlay C.	Smith, Leonard A.	Soucy, Donna M.
Steiner, Lee Anne	Stiles, Walter A.	Tarpley-Bamberger, Nancy L.
Tate, Joan C.	Turgeon, Roland M.	Vanderlosk, Stanley R.
Wheeler, David K.	Wheeler, Robert L.	White, John M.

**MERRIMACK**

Asplund, Bronwyn L.	Braiterman, Thea	Carter, Susan D.
Chandler, John P.	Daneault, Gabriel J.	Dunn, Miriam D.
Fair, Patricia A.	Feuerstein, Martin	Gilbreth, Robert M.
Gross, Caroline L.	Hager, Elizabeth S.	Hall, Douglas E.
Hayes, Robert C.	Hill, Michael J.	Johnson, C. William
Letourneau, George E.	Lockwood, Robert A.	Nichols, Avis B.
Smith, Gerald R.	Trombly, Rick A.	Yeaton, Charles B.

**ROCKINGHAM**

Barnes, John S., Jr.	Buco, Stephen W.	Campbell, Marilyn R.
Clark, Martha Fuller	Coffey, John J.	Conroy, Janet M.
Dowd, Sandra K.	Dowling, Patricia A.	Drake, Herbert R.
Dube, LeRoy S.	Flanagan, Natalie S.	Flanders, John W., Sr.
Gage, Beverly A.	Greene, Elizabeth A.	Hoar, John, Jr.
Hoelzel, Kathleen M.	Hutchinson, Karen K.	Hynes, Carolyn E.
Johnson, Robert A.	Katsakiores, Phyllis	Klemarczyk, Thaddeus E.
Klemm, Arthur P., Jr.	Lovejoy, Virginia K.	MacDonald, Joseph A.
Magoon, Harold F.	McCarthy, John J., Jr.	McGovern, Cynthia A.
McKinney, Betsy	Palazzo, Frank J.	Pantelakos, Laura C.
Parr, Ednapearl F.	Rosencrantz, James R.	Roulston, Donald L.
Schanda, Joseph, Sr.	Senter, Marilyn P.	Skinner, Patricia M.

Sytek, Donna P.  
Vaughn, Charles L.  
Woods, Deborah L.

Sytek, John J.  
Warburton, Calvin

Thayer, Leroy C.  
Welch, David A.

### STRAFFORD

Corte, Arthur B.  
Foss, Patricia H.  
Hashem, Elaine M.  
Marston, Robert E.  
Messier, Donald R.  
Pelley, Janet R.  
Torr, Ralph W.  
Wall, Janet G.

Douglass, Clyde J.  
Frechette, Roland A.  
Jankowski, Peter M.  
Martling, W. Kent  
Nehring, William H.  
Spencer, Leo J.  
Tsiros, William  
Wheeler, Katherine W.

Flynn, Edward J.  
Gilmore, Gary R.  
Kinney, Paula J.  
Merrill, Amanda A.  
O'Brien, John  
Torr, Ann M.  
Vincent, Francis C.

### SULLIVAN

Burling, Peter Hoe  
Rodeschin, Beverly T.

Krueger, Richard H.  
Schotanus, Merle W.

Porter, Robert H.

### NAYS 126

### BELKNAP

Dewhirst, Glenn E.  
Holbrook, Robert G.  
Turner, Robert H.

Golden, Paul A.  
Johnson, Carl R.  
Vogler, Charles C.

Hawkins, Robert S.  
Rosen, Ralph J.

### CARROLL

Allard, Nanci A.  
Wiggin, Gordon E.

Beach, Mildred A.

Wiggin, Allen R.

### CHESHIRE

Champagne, Richard L.  
Doucette, Richard F.  
Laurent, John J.  
Sawyer, Alfred P.

Clark, Eugene W.  
Kennison, Wayne A.  
Metzger, Katherine H.

Crutchley, Donald O.  
LaMar, David M.  
Pearson, Gertrude B.

### COOS

Brungot, Catherine V.  
Theriault, Romeo J.

Guay, Lawrence J.

Nelson, Harold D.

### GRAFTON

Adams, Carl S.  
Driscoll, William J.  
Markley, J. Keith  
Stewart, Roger D.

Christy, C. Dana  
Guest, Robert H.  
McIlwaine, Deborah P.

Dow, David  
Hill, Richard L.  
Nielsen, Niels F., Jr.

### HILLSBOROUGH

Ackerman, Philip M.  
Dodge, Emma M.  
Elliott, Larry G.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Jasper, Shawn N.  
Kelley, Dana F.  
Lachut, Ervin R.  
McCann, Bonnie Lou

Cook, Valerie S.  
Domaingue, Jacquelyn M.  
Ferguson, Charles  
Goulet, Maurice E.  
Hanselman, Gregory L.  
Jean, Romeo W.  
King, Frank P.  
Laughlin, J. Francis  
McNerney, Daniel P.

Daniels, Gary L.  
Donovan, Francis X.  
Fields, Dennis H.  
Gureckis, Adam C., Sr.  
Janas, Gregory  
Keane, Cornelius J.  
Kurk, Neal M.  
Lawrence, Eva M.  
Messier, Irene M.

Moore, Elizabeth A.  
Packard, Bonnie B.  
Riley, Frances L.  
Upton, Barbara A.

Murphy, Robert E.  
Paquette, Rodolphe G.  
Sallada, Roland A.  
Wright, George W.

Ouellette, Robert O.  
Reidy, Frank J.  
Searles, Stanley N., Sr.

#### MERRIMACK

Apple, Lowell D.  
Chandler, Earle W.  
Jacobson, Alf E.  
Molner, Mary E.  
Teague, Bert

Barberia, Richard A.  
Fillion, Paul R.  
Kidder, William F.  
Stapleton, Henry F.  
Wallner, Mary Jane

Boucher, Laurent J.  
Holmes, Mary C.  
Millard, Elizabeth S.  
Stio, Peter M.

#### ROCKINGHAM

Benton, Richardson D.  
Christie, Andrew, Jr.  
Cote, Patricia L.  
Ford, Bert H.  
Katsakiores, George N.  
Malcolm, Kenneth W.  
Raynowska, Bernard J.  
Seward, Russell G.  
Tufts, Arthur

Boucher, William P.  
Chulack, Peter G., Sr.  
DiPietro, Carmela M.  
Hurst, Sharleene P.  
Keith, Brenda E.  
Melnick, Roy E.  
Rubin, George R.  
Smith, Arthur W.  
Wells, Henry E.

Caswell, Albert, Jr.  
Cooke, Annette M.  
Falwell, Robert V.  
Kane, Cecelia D.  
MacKinnon, Nancy W.  
Packard, Sherman A.  
Schmidtchen, Rowland H.  
Syracusa, Anthony  
Weyler, Kenneth L.

#### STRAFFORD

Bickford, Drucilla  
Keans, Sandra B.

Brown, Julie M.  
Parks, Joe B.

Hambrick, Patricia A.  
Young, John B.

#### SULLIVAN

Behrens, Thomas A.  
Middleton, John A.

Domini, Irene C.  
Walsh, Robert R.

Lindblade, Eric N.

and the motion to order to third reading failed, lacking the necessary three-fifths of the elected and qualified members.

**CACR 23**, relating to state senate elections. Providing that members of the state senate shall be elected every 4 years and the number of senators from each district shall be increased to 2. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter M. Simon for Constitutional and Statutory Revision: If passed, CACR 23 would do two things (1) lengthen the term of the Senate and (2) increase the size of the Senate. The Committee did not feel that the term of office for the State Senate should be lengthened at this time. From 1792 to 1877 the term of a New Hampshire State Senator was one year long. In 1877 the term length was doubled. In the last 24 years 8 CACRs have been introduced dealing with increasing the term. Not one of the proposed constitutional amendments have passed both bodies of the legislature. The CACR would also increase the number of senators from 24 to 48. Article 25 of the New Hampshire Constitution establishes the membership of the Senate. The Committee is recommending passage of CACR 20 which would increase the size of the Senate to 36. Vote 11-1.

Adopted.

**HB 1110**, relative to the method of electing delegates to state party conventions. **DOUGHT TO PASS.**

Rep. Carol H. Holden for Constitutional and Statutory Revision: House Bill 1110 requires that a person be a registered voter of that party in the district from which he

is to be elected and to receive a minimum of 10 votes or 10 percent of the votes cast in his district, whichever is less. Vote 12-1.

Adopted.

Ordered to third reading.

**HB 1449-FN**, repealing the law requiring the state to compile and publish school laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John M. White for Education: The measure amends RSA 186:11 XIX. The state will still compile and publish the school laws and distribute at the discretion of the Department of Education. Vote 15-2.

4586L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the cost of publishing school laws.

Amend the bill by replacing section 1 with the following:

1 Expense of State Deleted. Amend RSA 186:11, XIX to read as follows:

XIX. SCHOOL LAWS. Compile and issue at the close of each [biennial] session of the legislature[, at the expense of the state,] an edition of the school laws [with the session amendments].

### AMENDED ANALYSIS

This bill removes the requirement that school laws be published at the expense of the state.

This bill is a request of the department of education.

Rep. Skinner yielded to questions.

Rep. David Young: The question is on the Constitutional mandate 28A issue of this particular bill. Will this cause additional expenditures to the cities and towns.

Rep. Skinner: It is very nice to hear that the cities and towns are interested in the school laws. The situation is that they will be going to the Superintendents of Schools, to the school districts, to various municipalities that would ask for such. There has been very little interest from the municipalities for the school laws. It is done at the discretion of the Commissioner of Education and it is part of his duties.

Rep. David Young: A clarifying point. They will be going free to the municipalities and the school districts that request them.

Rep. Skinner: They will be going free to those particular entities.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1475-FN**, abolishing the state veterans council. **INEXPEDIENT TO LEGISLATE.**

Rep. Gerald D. Gosselin for Executive Departments and Administration: Although the State Veterans Council has not been made familiar to a great number of veterans, since most do not belong to any veterans organization, the Committee felt that it should remain as is. The Committee heard from many veterans' organizations testifying against this bill. Even the Adjutant General, who was to be the guardian of the Veterans Council, testified against it. The Committee voted 12-2 against it.

Rep. John O'Brien moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.



Reps. Nielsen and Fenton spoke against.

**(Rep. Michael Hill in the Chair)**

Reps. Paul White, Gosselin and Fields spoke against and yielded to questions.

Motion failed.

Report adopted.

**(Speaker Burns in the Chair)**

### REMARKS

Lt. Governor Maxine Moul of Nebraska addressed the House.

### REGULAR CALENDAR (continued)

**HB 1185-FN**, authorizing the department of transportation to conduct surveys over certain roads, grant road toll refunds to certain nonprofit corporations, prescribe special rules for student driver training, and exempt certain transportation operations from certain motor carrier statutes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Emma M. Dodge for Transportation: The bill authorizes the Department of Transportation to conduct surveys for the purpose of planning and developing highways. This bill also prescribes special rules relative to registration of vehicles owned and under contract by government transportation for the elderly and disabled persons. Vote 13-2.

4768L

### Amendment

Amend the title of the bill by replacing it with the following:

### AN ACT

authorizing the department of transportation to conduct surveys over certain roads, prescribe special rules for student driver training, exempt certain transportation operations from certain motor carrier statutes and relative to laying out class I and II highways.

Amend the bill by replacing all after section 1 with the following:

2 Transportation Operation; Exemption Added Relating to Common Carriers.

Amend RSA 228:73 to read as follows:

228:73 Statutes Not Applicable. Any regular route passenger transportation operation conducted directly by the department or by contract with the department shall not be subject to [procurement of any regular agent's operating authority from the department;] *the requirements of RSA 376 or RSA 266:72-a*, provided, however, that such operations shall be subject to all safety and insurance standards as set forth by the department for similar operations.

3 Class I and II Highways; Governor and Council Layout Proceedings. Amend RSA 230:13 to read as follows:

230:13 Occasion for Layout by Governor and Council; Layout. The governor, with advice of the council, may determine upon hearing whether there is occasion for the laying out or alteration of a class I or class II highway or a highway within the state included in the national system of interstate highways in a location proposed by the commissioner of transportation, and, if so, shall appoint a commission of 3 persons who may purchase land or other property in the proposed location and who shall lay out the remainder of such highway or alteration. Any such land or property which cannot be acquired by agreement with the owner or owners thereof may be acquired

in accordance with RSA 498-A. *All property rights acquired under the provisions of this section shall be in fee simple, including property acquired by condemnation proceedings.*

4 Class I and II Highways; Commission Layout Proceedings. Amend RSA 230:14 to read as follows:

230:14 Layout by Commission. The governor, with advice of the council, may appoint a commission of 3 persons who, upon hearing, shall determine whether there is occasion for the laying out or alteration of a class I or class II highway or a highway within the state included in the national system of interstate highways in a location proposed by the commissioner of transportation and if so, the commission may purchase land or other property in the proposed location and shall lay out the remainder of such highway or alteration. Any such land or property which cannot be acquired by agreement with the owner or owners thereof may be acquired in accordance with RSA 498-A. *All property rights acquired under the provisions of this section shall be in fee simple, including property acquired by condemnation proceedings.*

5 Occasion for Layout; Technical Change. Amend RSA 230:45 to read as follows:

230:45 Occasion for Layout; Layout. The governor, with the advice of the council, on his own motion or a special committee of 3 persons appointed by the governor and council for the purpose, may determine, upon hearing, whether there is occasion for the laying out or alteration of a limited access facility including service roads in a location proposed by the commissioner of transportation; and, if so, the governor, with the advice of the council, shall appoint a commission of 3 persons who may purchase land or other property in the proposed location and who shall lay out the remainder of such facility, service roads, or alteration thereof. The commission appointed by the governor and council to lay out any limited access facility may acquire private or public property and property rights for such facility and service roads, including rights of access, air, view, and light, by gift, devise, purchase or condemnation in the same manner as provided for acquiring property for class I highways [except that]. All property rights acquired under the provisions of this section shall be in fee simple including property acquired by condemnation proceedings. The commission, in its discretion, may acquire an entire lot, block, or tract of land if, by so doing, the interests of the public will be best served even though said entire lot, block, or tract is not immediately needed for the right of way proper; and the commissioner of transportation, with the approval of the governor and council, may sell, convey, transfer or lease any surplus property, real or personal, at public or private sale.

6 Authority to Prescribe Special Rules for Nonprofit Corporations; Reference Added. Amend RSA 261:92 to read as follows:

261:92 Publicly Owned Vehicles; *Nonprofit Corporations*. The director shall have the authority to prescribe special rules relative to registration of vehicles owned and driven by the government of the United States, the state, or by any county, city, town, school district, volunteer fire department, *eligible nonprofit corporation operating transportation under contract with the department of transportation for the public or for elderly or disabled persons*, or public or private educational institution used for the purpose of student driver training, and may issue permanent number plates for such vehicles. Said vehicles displaying said number plates shall be deemed to be properly registered under the provisions of this title and may be driven upon the ways of the state without further registration or subsequent number plates.

7 Railroads Which are Common Carriers; Reference Clarified. Amend RSA 365:22 to read as follows:

365:22 **Railroads Which are Common Carriers.** Whenever the commissioner shall be of the opinion, after a hearing had upon his own motion or upon complaint, that any part of any [public utility] **railroad** operating as a common carrier of passengers or freight within the state reasonably requires alteration or reconstruction, or that the regulations, practices, equipment, appliances or service of any such [public utility] **railroad** in respect to transportation of persons or property within the state are unjust, unreasonable, unsafe, improper or inadequate, the commissioner *of the department of transportation* shall determine the reconstruction or alteration reasonably required, or the just, reasonable, safe, adequate and proper regulations, practices, equipment, appliances and service thereafter to be in force or to be provided, and shall fix and prescribe the same by order to be served upon every such [public utility] **railroad** to be bound thereby.

8 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill authorizes the department of transportation to conduct surveys and interviews for the purpose of planning and development of the highway system over class IV and V training highways.

This bill also requires that all property acquired by the state for the laying out or alteration of a class I or II highway be in fee simple.

This bill grants eligible nonprofit corporations the right to permanent motor vehicle plates.

This bill exempts passenger transportation operations conducted by the department from certain motor carrier statutes.

This bill also clarifies that the public utility common carrier repair orders issued by the department apply to railroads acting as common carriers.

This bill is a request of the department of transportation.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1378-FN-L**, increasing school aid in the event that a 6 percent income tax becomes law and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. Shawn N. Jasper for Ways and Means: This bill is one of four which are tied to an income tax. This bill would provide \$50,000,000 to school districts in the event that an income tax passes. The Committee has no desire to commit the state to spending future money based on a bill which might pass in another session. This issue would best be dealt with when and if an income tax passes. Having a \$50,000,000 promise locked into law may be appealing politically but it does not make for sound management of the state. Vote 13-0.

Adopted.

**HB 1379-FN-L**, relative to a state contribution to towns and cities with land in current use in the event that a personal income tax becomes law and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. Douglass P. Teschner for Ways and Means: Given the fact that current use issues will be considered under separate legislation (HB 1242 before Environment and Agriculture Committee), the Ways and Means Committee does not think it appropriate to pursue this legislation at this time. Vote 13-0.

Adopted.

**HB 1444-FN-A**, distributing a portion of the meals and rooms tax to promote tourism in the state in the event a personal income tax becomes law. **INEXPEDIENT TO LEGISLATE**.

Rep. Shawn N. Jasper for Ways and Means: The bill is one of four tied to the passage of an income tax. These bills, if passed, would likely increase the pressure on the legislature to pass an income tax by creating special internal groups who would benefit greatly by the passage of such a tax. In any event, the promotion of tourism is probably best handled by the tourism industry and not by a state agency, as some of us believe that private industry is more capable and efficient than government in most instances. Vote 13-0.

Adopted.

**HB 1482-FN-A**, lowering the business profits tax and dedicating a portion of the business profits tax to venture capital programs, in the event a personal income tax becomes law. **INEXPEDIENT TO LEGISLATE**.

Rep. Shawn N. Jasper for Ways and Means: This bill is the last of the four bills tied to a future income tax. While the Committee is all in favor of seeing that business expands and it recognizes that venture capital is an important part of small business start-up, government may not be the best vehicle for providing that capital. This whole issue is being explored through the Economic Development Committee which this Committee feels is more appropriate at this time. Vote 13-0.

Adopted.

**HB 1335**, relative to plastic holding devices used in packaging. **INEXPEDIENT TO LEGISLATE**.

Rep. Gregory L. Hanselman for Environment and Agriculture: The Committee was unanimous in its opinion that the issues identified in this bill were correctly handled in legislation adopted by the House last session. Of additional concern is, that according to testimony provided at the public hearing, passing this bill would eliminate 188 jobs in Nashua. Vote 14-0.

Rep. Hanselman spoke in favor.

Rep. Leonard Smith moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. Leonard Smith requested a quorum count.

The Speaker declared a quorum present.

Rep. Leonard Smith spoke in favor.

Rep. Marilyn Campbell spoke against.

The substitute motion failed.

Report adopted.

**HB 1466-FN**, defining the term "misconduct" for the purposes of disqualification for benefits, increasing the membership on the advisory council on unemployment compensation and making other changes in the unemployment compensation laws. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: This bill increases the membership on the Advisory Council on Unemployment Compensation from 7 to 9 members and requires the council to conduct meetings at least six times a year, in February, April, June, September, October and November and at the call of the chair. Vote 14-0.



4721L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

modifying the advisory council on unemployment compensation.

Amend the bill replacing all after the enacting clause with the following:

1 Advisory Council; Members Added. Amend RSA 282-A:128 to read as follows:

282-A:128 Advisory Council. There is hereby created within the unemployment compensation bureau an advisory council on unemployment compensation, hereinafter called the advisory council. The advisory council shall consist of [7] **9** members, **6** to be appointed upon recommendations of the commissioner by the governor with the consent and advice of the governor's council. Three of [the appointees of this advisory council] **these** shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employers; 3 shall be persons who, because of their vocations, employment or affiliations, shall be classed as representing the point of view of employees; **one of the remaining [appointee] appointees, shall be the public member appointed by the governor, with advice and consent of council, who shall be designated as chairman[,]** and who shall be a person whose training and experience qualify him to deal with the problems of unemployment compensation. **The 2 remaining appointees shall include one member from the house, appointed by the speaker, and one member from the senate, appointed by the president.** Such advisory council shall aid the commissioner in formulating policies and discussing problems related to the administration of this chapter and in assuring impartiality and freedom from political influence in the solution of such problems. **The advisory council shall meet at least 6 times per year in February, April, June, September, October, and November at regularly scheduled times and at the call of the chairman.**

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill increases the membership on the advisory council on unemployment compensation and requires the council to conduct its meetings in certain months.

Rep. Baroody spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**HCR 25**, encouraging the operators of cable television systems to utilize a portion of their capacity to deliver commercial-free educational programming. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Philip M. Ackerman for Science, Technology and Energy: This resolution recognizes and commends the cable television industry for providing educational programming to subscribers at low cost and encourages the industry to expand this service to work with schools to utilize their capacity to deliver commercial-free educational programming. The resolution also encourages schools to use this resource. Vote 9-0.

4595L

**Amendment**

Amend the resolution by replacing all after the title with the following:

Whereas, television has proven itself the most powerful medium of communication and instruction since the development of the book; and

Whereas, public-spirited individuals and firms are subsidizing the production of educational television programming at levels ranging from basic education to graduate degrees which are made available to cable television systems for distribution to subscribers at very low cost; and

Whereas, such programming would allow New Hampshire residents served by cable television to expand their educational opportunities without the need to leave their homes and that many residents for reasons of time or distance are unable to benefit from existing conventional educational opportunities; and

Whereas, cable television has the capability of transmitting a large number of different programs to their subscribers and, as the holders of franchises from the towns and cities they serve, cable system operators have a responsibility to devote some portion of their capacity to non-commercial educational programming; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court recognizes the commitment to quality educational programming provided by the cable television industry as exemplified by Cable in the Classroom and encourages the operators of cable television systems to utilize a portion of their capacity to deliver commercial-free educational programming to subscribers and schools in their communities and to work closely with schools to increase the availability of distance learning programs for all residents of the state. The general court further encourages all elementary, secondary and post-secondary schools to utilize this valuable educational resource.

Rep. Corte spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**RESOLUTION**

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet February 12, 1992 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 1152**, authorizing the office of child support enforcement services, a dependent child or his parent or guardian to receive directly from a health insurer a certificate of insurance covering any dependent child.

**HB 1339**, requiring the division of human services to report certain obligors to consumer reporting agencies.

**HB 1210**, naming the Karner Blue butterfly the state butterfly.

**HB 1242**, establishing a study committee on certain current use issues.

**HB 1408-FN-L**, relative to technical changes in the unemployment compensation law and increasing the amount of taxable wages.

**HB 1466-FN**, modifying the advisory council on unemployment compensation.

**HB 1315-L**, amending RSA 154 relative to firewards and firefighters, exempting fire investigators from having law enforcement backgrounds, extending the committee studying fire laws, and extending the state historic flag committee and making an appropriation to such committee.

**HB 1111**, relative to liquor and beverage licensees delinquent in paying accounts and relative to advertising liquor and beverages.

**HB 1114**, adding and changing certain definitions in the liquor laws and relative to the transportation of wine and liquor.

**HB 1130**, relative to ejecting persons from racetracks whose presence is inconsistent with proper conduct of a race meet and relative to unclaimed pari-mutuel pool tickets.

**HB 1255-FN**, relative to the number of big bingo games charitable organizations may conduct and increasing the one game date prize total value from \$3,500 to \$14,000.

**HB 1343**, establishing a committee to review wetlands projects and related issues.

**HB 1426**, authorizing water users registered and reporting their use to the division of water resources to continue such use for the 1992-93 biennium.

**HB 1495-FN**, establishing a committee to study the management of New Hampshire tidal waters and related issues.

**HB 1126-FN**, allowing the public utilities commission to appoint a receiver or to take over the operations of any utility with annual revenues below \$2,000,000 which fails to provide adequate service.

**HB 1159-FN**, relative to when municipal sewage disposal systems are considered public utilities.

**HB 1144**, relative to the examination of school bus operators.

**HB 1204**, requiring the director of motor vehicles to notify any seriously injured person when the director conducts a license revocation or suspension hearing regarding a motor vehicle accident involving a fatality or serious injury.

**HB 1148**, relative to technical corrections in certain tax laws.

**HB 1110**, relative to the method of electing delegates to state party conventions.

**HB 1449-FN**, relative to the cost of publishing school laws.

**HB 1185-FN**, authorizing the department of transportation to conduct surveys over certain roads, prescribe special rules for student driver training, exempt certain transportation operations from certain motor carrier statutes and relative to laying out class I and II highways.

**HCR 25**, encouraging the operators of cable television systems to utilize a portion of their capacity to deliver commercial-free educational programming.

### SUSPENSION OF RULES

Reps. Guay and Cowenhoven moved that the rules be so far suspended as to permit the Committee on State and Federal Relations to hold a public hearing on **HCR 28**, urging the federal government to restore full funding for prescription drugs for veterans with service-related disabilities.

Adopted by the necessary two-thirds.

**ENROLLED BILLS REPORT**

**SB 16**, relative to the board of dental examiners.

**SB 27**, relative to extended terms of imprisonment for assault crimes where the victim or perpetrator is a law enforcement officer.

**SB 60**, establishing a task force to study the Laconia to Franklin highway problems.

**SB 120**, establishing a task force on a sunset review process and the authority of the general court to disapprove proposed administrative rules.

Sen. Currier, Rep. Dunn, for the Committee

**NOTICE OF RECONSIDERATION**

Having voted with the prevailing side, Rep. Jankowski served notice that today, February 11, or some subsequent day as limited by the rules he will move that the House reconsider its action whereby it found **HB 1335**, relative to plastic holding devices used in packaging, Inexpedient to Legislate.

The House adjourned at 3:50 p.m.



## HOUSE JOURNAL No. 9

Wednesday, February 12, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O God of all nations, hear our prayers for the President of the United States, the members of Congress, and all elected officials and public servants.

Direct and prosper their work; sustain them and their families when they are weary or discouraged; help them to promote justice in our common life; and give to all of us faith, hope, and love without measure. Amen.

Rep. Doucette led the Pledge of Allegiance.

Miss Jaime Lee Sample of Alton sang the National Anthem.

### LEAVES OF ABSENCE

Reps. Hultgren, Weeks, McIlwaine, Kinney, Morse, Warburton, Lefebvre and Peyron, the day, illness.

Reps. Palazzo, Chulack, Roulston, Hawkinson, Romeo Jean, Daly, Robert Jean, Marsh, Lynch, Gerard Desrochers, Flint, Kincaid, McRae, Jeffrey Brown, Shackett, Asselin, William McCann and Laroche, the day, important business.

Rep. Accornero, the day, illness in the family.

### INTRODUCTION OF GUESTS

The Speaker welcomed all guests to the New Hampshire House.

### RESOLUTION

Reps. Gross and Chambers offered the following:

RESOLVED, that the House inform the Honorable Senate that the House is ready to meet in Joint Convention for the purpose of attending to remarks by The President of the United States, George Bush.

Adopted.

### (RECESS)

### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing an address by the President of the United States.

### JOINT CONVENTION

(Speaker Presiding)

The President of the United States addressed the Joint Convention.

Sen. Delahunty and Rep. Gross moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

(Rep. Michael Hill in the Chair)

### SENATE MESSAGES

### CONCURRENCE

SB 193-FN, relative to limits on motorboat speeds.

### REQUESTS CONCURRENCE

**SB 303**, establishing a committee to study the various options available to fund and deliver medical benefits for state employees and relative to the funding methodology of the retirement system.

**SB 307**, authorizing disclosure of certain information contained in the records of the department of revenue administration to the office of reimbursements, division of mental health and developmental services.

**SB 356**, relative to quality assurance records in nursing homes and health maintenance organizations.

**SB 360**, establishing a committee to study head injury cases in New Hampshire.

**SB 392**, relative to guardians ad litem.

**SB 396**, relative to motor vehicles and defaults on court fines and taxes.

**SB 404-FN**, relative to chiropractic practitioners and privileged communications.

**SB 410**, relative to AIDS.

**SCR 11**, a Resolution encouraging the U.S. Congress and the President of the United States to consider the economic impact of federal laws and legislation on states.

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Ann Torr moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 602-FN-A**, reinstating the dental program for children and making an appropriation therefor, was removed at the request of Rep. Gross.

**HB 1247-FN**, abolishing the office of commissioner of environmental services, was removed at the request of Rep. Stacey Cole.

**HB 1269-FN**, separating the AFDC standard of need from AFDC payment standard, was removed at the request of Rep. Lougee.

**HB 601-FN-A**, establishing a public access advisory board and a statewide public boat access program on public waters and continually appropriating a special fund for the purposes of the program, was removed at the request of Rep. Ferlan.

**HB 1050-FN-L**, limiting outdoor advertising devices and increasing permit fees for maintaining outdoor advertising devices, was removed at the request of Rep. Rosen.

Consent Calendar adopted.

**HB 1398-FN-L**, prohibiting charging to counties the cost for testing certified nursing assistants in nursing homes.(A) INEXPEDIENT TO LEGISLATE.

Rep. Douglas E. Hall for Appropriations: No one attended the public hearing to testify in favor or in opposition to this bill. Subsequent conversations with interested parties resulted in a general understanding that lacking state funds, this bill would not be considered further. Vote 16-0.

**HB 1285-FN**, requiring the director of economic development to obtain information as is reasonably possible from employers who either relocate out-of-state or permanently downsize. REFER FOR INTERIM STUDY.

Rep. Bonnie B. Packard for Economic Development: The Committee unanimously agrees that the concept of this bill has merit. The information that the bill addresses is not readily available and the Committee would like an opportunity to explore this further. Vote 10-0.

**HB 1122**, relative to standards for labeling cider. OUGHT TO PASS WITH AMENDMENT.

Rep. Marilyn R. Campbell for Environment and Agriculture: This bill sets up a study committee to address the need for uniform standards for processing cider. Vote 14-0.

4511L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a committee to study all areas of apple cider standards, licensing and labeling.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established; Duties. There is established an apple cider standards review committee to study all areas of apple cider standards, licensing and labeling.

2 Membership. The committee shall consist of the following members:

I. The commissioner of the department of agriculture, or designee.

II. The director of the division of public health, department of health and human services, or designee.

III. The fruit specialist at the University of New Hampshire, cooperative extension program.

IV. Two members from the New Hampshire fruit growers association, cider committee.

V. One member of the house, appointed by the speaker of the house of representatives.

VI. One member of the senate, appointed by the president of the senate.

3 Mileage. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

4 Membership; Chair; Meetings. The first meeting of the committee shall be called by the commissioner. The chair of the committee shall be chosen by the members at the first meeting.

6 Report. The committee shall make a report of its findings and recommendations, including proposed legislation, to the president of the senate, the speaker of the house and the governor no later than December 1, 1992.

6 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill establishes an apple cider standards review committee to study all areas of apple cider standards, licensing and labeling.

**HB 1165-FN**, requiring state agencies to reuse waste motor oil. INEXPEDIENT TO LEGISLATE.

Rep. Daniel M. Burnham for Environment and Agriculture: Because this bill requires all state agencies to recycle used motor oil and because it also prohibits the sale of used motor oil by any agency to anyone other than another state agency, the Committee thought it was far too restrictive to be useful. Rep. David Wheeler, the bill's sponsor, testified that he was nearing completion of negotiations for the reuse of oil by

the Department of Transportation and that therefore the legislation was no longer necessary. Vote 13-0.

**HB 1125-FN-L**, relative to an agency's violation of certain notice requirements to municipalities. REFER FOR INTERIM STUDY.

Rep. John J. Sytek for Executive Departments and Administration: The Committee feels this bill has merit and addresses a valid concern. During executive session deliberations, questions arose as to whether this bill actually provides the intended remedy. For that reason, the Committee would like the opportunity to study this bill further with the intention of recommending passage of a reworked bill. Vote 15-0.

**HB 1189**, relative to discrimination in the real estate appraiser industry and relative to appraisal education courses. INEXPEDIENT TO LEGISLATE.

Rep. Robert L. Wheeler for Executive Departments and Administration: The problems addressed by this bill were resolved and the sponsor wished to withdraw the bill. The Committee agreed. Vote 14-0.

**HB 1196**, clarifying the amount to be paid from the firemen's relief fund in the event of a claim. OUGHT TO PASS.

Rep. Kathleen W. Ward for Executive Departments and Administration: This legislation replaces the word "widow" to "surviving spouse" to reflect today's female firefighter who might be survived by a "widower." It also increases the funds available in any one year from \$4,000 to \$6,000. Vote 14-0.

**HB 1216**, allowing certain funds to be transferred to the new women's dormitory account at the New Hampshire technical institute. OUGHT TO PASS.

Rep. Cynthia A. McGovern for Executive Departments and Administration: Without the transfer of these funds, room capacities would have to increase to an unacceptable level and the deficit carried forward an additional year. The bond for financing the women's dormitory will be repaid this year, and this bill provides that any money received under the women's dormitory account be transferred to a new dormitory account for future building purposes. Vote 14-0.

Referred to Appropriations.

**HB 1221-FN**, transferring all recycling program responsibilities of the department of environmental services to the office of state planning. INEXPEDIENT TO LEGISLATE.

Rep. William P. Boucher for Executive Departments and Administration: The sponsor asked to substitute an amendment for the bill, in that the bill, as printed, accomplished the Representative's problem. The amendment was an innocuous two paragraph document changing and upgrading language dealing with recyclables and recycling logo. The Subcommittee, after considering all the amendments, felt the bill goes beyond the scope of the original amendment and turned out to be a very comprehensive and complicated bill. Therefore, the Subcommittee unanimously recommends Inexpedient to Legislate. The Committee concurs. Vote 15-0.

**HB 1225-FN-L**, to exempt all political subdivisions of the state from the payment of certain fees imposed by the department of environmental services. OUGHT TO PASS.

Rep. Cynthia A. McGovern for Executive Departments and Administration: This bill would free cities and towns from paying burdensome costs of mandated federal and state programs. The Subcommittee unanimously agreed that this bill has been a long time coming. Vote 14-0.



Referred to Appropriations.

**HB 1284-FN**, creating the position of medical director in the department of corrections. REFER FOR INTERIM STUDY.

Rep. Maurice E. Goulet for Executive Departments and Administration: Health care issues are often a concern with the general public. They may be exacerbated within a confined prison setting. It was the unanimous decision of the Committee, that health care staffing, the care provided, and the overall concerns of prisoner health should be reviewed. The Commissioner of the Department of Corrections also indicated that funding will be requested in next year's budget for one physician. The time afforded, through Interim Study, will provide the opportunity to assess the issues of prison health care. Vote 15-0.

**HB 1316-FN**, repealing the rulemaking authority of the board of nursing relative to nursing assistant fees. OUGHT TO PASS WITH AMENDMENT.

Rep. Lawrence A. Emerton for Executive Departments and Administration: The amendment replaces the original bill which the sponsor no longer needs. This amendment assures that a complaint, not resolved prior to a preliminary hearing, shall be heard at an open public hearing of the persons peers. It also assures that only a member of the board will have the authority to preside. Vote 15-0.

4810L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to hearings before the board of nursing.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Board of Nursing Hearings. Amend RSA 326-B:13-a by inserting after paragraph V the following new paragraph:

VI. Any complaint not resolved at or prior to a preliminary hearing shall be heard by the board. Such hearing shall be an open public hearing. Any member of the board other than the public member shall have the authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill permits hearings before the board of nursing on complaints not resolved at preliminary hearings.

**HB 1402-FN**, exempting from competitive bidding purchases or services from non-profit organizations by certain state agencies for severely disabled or emotionally disturbed children. OUGHT TO PASS WITH AMENDMENT.

Rep. Paul R. Fillion for Executive Departments and Administration: This bill, as amended, will exempt the Department of Education, Special Education Bureau and the Department of Health and Human Services, Division of Mental Health and Developmental Services from the requirement to purchase services using the procedures for competitive bidding, but only in very specialized instances. Provided by non-profit organizations, such services would serve severely disabled or severely emotionally disturbed children. Contracts may be written for not more than two years, but may be extended for not more than two years. Vote 13-0.

4764L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

exempting from competitive bidding purchases of services from nonprofit organizations by certain state agencies for severely disabled or emotionally disturbed children.

Amend section 1 of the bill by replacing it with the following:

1 New Paragraph; Purchases Exempted From Competitive Bidding. Amend RSA 186-C:22 by inserting after paragraph V the following new paragraph:

VI. The purchases of services from nonprofit organizations by the department of education, special education bureau and the department of health and human services, division of mental health and developmental services for severely disabled or severely emotionally disturbed children shall not be subject to competitive bidding requirements. Contracts for purchases made under this section shall be for terms of not more than 2 years, but may be extended for 2 additional years. Nothing in this section shall prohibit the department of education from contracting for such services through a competitive bidding process.

Referred to Appropriations.

**HB 1463-FN**, to charge a 10 percent buyer's premium on state-auctioned goods, with the resulting income to be used by the division of historical resources. **OUGHT TO PASS.**

Rep. Robert L. Wheeler for Executive Departments and Administration: The Committee felt the need was real and present and the funding innovative and not a burden on the general fund. Vote 13-0.

Referred to Appropriations.

**HB 1479-FN**, allowing classified state employees disabled by a job-related injury to accumulate holiday, sick and annual time for one year and to have their salary increment dates protected for one year. **INEXPEDIENT TO LEGISLATE.**

Rep. Merton S. Dyer for Executive Departments and Administration: The passage of this bill would conflict with the efforts and intentions of RSA 281-A, the workman's compensation statute. This bill would allow classified employees to accumulate sick and annual leave during the first year of work-connected accidental injury. Work-connected injuries are not charged against the employee's sick or annual leave and they should not receive sick and annual leave while on work-connected sick leave. The question raised by this bill would be better resolved at the bargaining table not through legislation. Vote 12-0.

**HB 1154**, relative to an exemption for the sale of hypodermic syringes for school use. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The Committee felt that schools need this bill in order to do the experiments in science classes preparing them for future study in their fields of chemistry and biology. Furthermore, by having access to syringes also lessens the exposure to noxious chemicals and also lessens the problem of the disposal of hazardous wastes by only having to use very small quantities of chemicals. Vote 11-1.

4686L

**Amendment**

Amend RSA 318:52-c, II as inserted by section 1 of the bill by replacing it with the following:

*II. Public and nonpublic schools including institutions of higher learning, shall be exempt from the provisions of paragraph I when the school is purchasing the syringes and needles for use in school science laboratory activities and assignments.*

**HB 1195**, requiring any continuing care facility operating under an exempt status to comply with requirements established for continuing care facilities if there is a substantial change in such facility's status. INEXPEDIENT TO LEGISLATE.

Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs: House Bill 1195 was unanimously voted Inexpedient to Legislate as no evidence was presented that this bill is needed at this time. The Committee considers that any concerns raised by changes in the status of continuing-care facilities can be addressed by House Bill 451, the omnibus licensing bill for residential care and health facilities passed in 1991 by the legislature as Chapter 365. Vote 15-0.

**HB 1219-FN**, requiring that claims paid on behalf of a medicaid assistance recipient be paid directly to the provider or the medicaid program and relative to recovery of assistance under the medicaid program. OUGHT TO PASS WITH AMENDMENT.

Rep. Carmela M. DiPietro for Health, Human Services and Elderly Affairs: This bill establishes a lien procedure to allow the state to recoup the amount it spent for medical assistance to a Medicaid recipient when such recipient receives a settlement from a liable third person; the amount owed to the state to be paid before distribution of settlement to recipient. Vote 11-1.

4808L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to recovery of assistance under the medicaid program.

Amend the bill by replacing all after the enacting clause with the following:

1 Lien Procedure. RSA 167:14-a, III is repealed and reenacted to read as follows:

III.(a) Whenever a recipient of medical assistance shall receive a settlement or an award from a liable third person or party, the state shall have a lien to the extent the amount of recovery makes payment possible upon so much of such award or settlement as the state has expended for medical assistance to the recipient. The state's lien for medical assistance shall be paid prior to distribution of the award or settlement to the recipient. No attorney fees shall be deducted from the amount due the state from such award or settlement.

(b) Whenever a recipient of medical assistance institutes legal action, formal or informal, against a liable third person or party, the recipient or his legal representative shall notify the director of the division of human services of such action within 30 days.

2 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill establishes a lien procedure to allow the state to recoup the amount it spent for medical assistance to a medicaid recipient when such recipient receives a settlement from a liable third person. The amount owed to the state is to be paid before the distribution of the settlement to the recipient.

**HB 1051**, relative to procedures for offers of judgment in the district and superior courts. **INEXPEDIENT TO LEGISLATE**

Rep. Elizabeth D. Lown for Judiciary: House Bill 1051 proposes to change the system of compensation re attorney's fees from the American system to the British system in which the loser pays attorney's fees. This would drastically alter a system which works well, and it turns out that the British are considering changing to the American system. Vote 14-2.

**HB 1133**, requiring a judge to give certain instructions to the jury in any criminal case or in a civil case whenever government is a party to the trial. **INEXPEDIENT TO LEGISLATE**

Rep. Alf E. Jacobson for Judiciary: This bill has the intention of changing the judicial practice of the state based on positive law to a specialized conception of natural (higher) law by permitting a juror to vote "according to conscience." This effort seeks to replace a history of legal precedent in positive law into a new process in law based on an indeterminate question of conscience. Vote 15-0.

**HB 1157**, requiring that the information contained in a deed be based on the most recently available information, as contained in the tax map. **INEXPEDIENT TO LEGISLATE**

Rep. Alf E. Jacobson for Judiciary: Though the idea of this bill may be good, its implementation would be both difficult and expensive. Vote 15-0.

**HB 1163**, granting a public employee the right to require that a nonpublic session under the right-to-know law be open to the public. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Hoe Burling for Judiciary: The Committee looked at this bill at the request of the several groups interested in municipal law. Two ideas seemed worthy of further clarification under the Right-to-Know Law: (1) the right of a public employee to have an open meeting regarding his employment, and (2) a statement that sessions discussing the sale or acquisition of real or personal property may be closed to the public, if disclosure in an open meeting would benefit a party or parties whose interests are not those of the general community. Vote 13-0.

4874L

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to a public employee's right to require that a nonpublic session under the right-to-know law be open to the public.

Amend the bill by replacing sections 1 and 2 with the following:

1 Meeting May Be Open To Public. Amend RSA 91-A:3, II(a) to read as follows:

(a) The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected [requests an open meeting] *(1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.*



2 Property Added. Amend RSA 91-A:3, II(d) to read as follows:

(d) Consideration of the acquisition, sale or lease of *real or personal* property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.

#### AMENDED ANALYSIS

This bill clarifies the right of a public employee who is afforded an opportunity to meet with a body or agency regarding an issue which is normally discussed in a nonpublic meeting to require that such meeting be open to the public.

The bill also clarifies the definition of property which is discussed in a nonpublic meeting.

**HB 1171**, establishing a statute of limitations for filing motions relative to alimony payments. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Lockwood for Judiciary: The issue needs further study. The Committee vote was predicated on urging the New Hampshire Bar Association to reinstitute its Task Force on Family Law to address the issues of renewing, modifying or extending alimony in a divorce action. Vote 15-0.

**HB 1206**, relative to the liability of agricultural operations. INEXPEDIENT TO LEGISLATE

Rep. Robert A. Lockwood for Judiciary: The Committee agreed that there is adequate remedy in the law presently, that allows for redress in cases where the odiferous emanations from farms are offensive to neighbors. Vote 17-0.

**HB 1223-FN**, granting the division of parks and recreation immunity from catastrophic accidents. REFER FOR INTERIM STUDY

Rep. Robert A. Lockwood for Judiciary: The Committee agreed to keep this bill alive so that further action can be taken in towns and by the state relative to use of bridges for purposes for which they were not originally intended, if such action is warranted because of votes taken at town meetings. Vote 15-0.

**HB 1274**, relative to filing a statement of ownership of real property which has been transferred through inheritance or devise with the registry of deeds. INEXPEDIENT TO LEGISLATE.

Rep. David E. Cote for Judiciary: The Committee felt that this bill added an unnecessary layer to the process of transference and felt there has been no necessity shown for its passage. Vote 14-2.

**HB 1283-FN**, authorizing the human rights commission to award compensatory damages and levy administrative fines. OUGHT TO PASS WITH AMENDMENT

Rep. Alf E. Jacobson for Judiciary: This bill authorizes the human rights commission to award compensatory damages and levy administrative fines whenever a respondent (employer) has engaged in any unlawful discriminatory practices. The amendment protects respondents against frivolous or unreasonable suits. Vote 10-2.

4832L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

authorizing the human rights commission to award compensatory damages, levy administrative fines and award attorney's fees.

Amend the bill by inserting after section 1 the following and renumbering section 2 to read as 3.

3 Remedies; Attorney's Fees Authorized. Amend RSA 354-A:9, II(f) to read as follows:

(f) If upon all the evidence the commission shall find that a respondent has not engaged in any such unlawful discriminatory practice, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. *If the commission finds that the complaint is frivolous, unreasonable, or without foundation then the commission, upon motion of the respondent or on its own motion, may award against the complainant the amount of costs and attorneys' fees incurred by the respondent, provided such costs and fees are reasonable.*

#### AMENDED ANALYSIS

This bill authorizes the human rights commission to award compensatory damages and levy administrative fines. This bill also authorizes the commission to award attorneys' fees to the respondent if the commission finds the complaint is frivolous, unreasonable, or without foundation.

This bill is the result of a study committee established in 1991, 161.

**HB 1292**, limiting the civil liability of persons engaged in equine activities. REFER FOR INTERIM STUDY

Rep. Peter Hoe Burling for Judiciary: The Committee wants time to respond to the needs of the equine industry, particularly with reference to insurance availability and concepts of industry self regulation. There is no interest in further extensions of limitations on liability, but there is interest in seeing what can be done to help the horsemen. Vote 15-2.

**HB 1297**, prohibiting the sale or use of personal information by any person or business without the consent of the individual concerned. OUGHT TO PASS WITH AMENDMENT

Rep. Peter Hoe Burling for Judiciary: This bill requires much more work and compromise between and among the interested parties. The sponsor requested the formation of a study committee, and the Civil Subcommittee was pleased to help prepare the amendment which creates the requested study committee. Vote 16-0.

4661L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a committee to study the issue of protecting personal information.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Membership. There is established a committee to study the issue of protecting personal information. The members of the committee shall be as follows:

I. Three members of the house of representatives, one of whom shall be a member of the house judiciary committee, appointed by the speaker of the house.

II. A representative of the New Hampshire Direct Marketing Association, appointed by such association.

III. A representative of the Credit Bureau Services of New Hampshire, appointed by such organization.

IV. A representative of the New Hampshire Retail Merchants Association, appointed by such association.

V. The commissioner of the department of revenue administration, or designee.

VI. A representative of the AT&T Universal Credit Services, Inc., appointed by such corporation.

VII. A representative of the New Hampshire Bankers Association, appointed by such association.

2 Mileage; Chairperson. The committee shall elect a chairperson from among its members at the first meeting, which shall be called by the first-named house member within 30 days of the effective date of this act. Members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

3 Report. The committee shall submit its report with its recommendations, together with any proposed legislation for the 1993 legislative session, to the speaker of the house, the president of the senate and the governor on or before November 1, 1992.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a study committee to study the issue of protecting personal information. The bill requires the committee to submit a report detailing its findings and recommending legislation no later than November 1, 1992.

**HB 1359**, requiring confidentiality of personnel files of local police officers except in certain criminal cases. **OUGHT TO PASS WITH AMENDMENT**

Rep. Elizabeth D. Lown for Judiciary: This bill was submitted in response to growing evidence that police personnel files are being used for "fishing expeditions" in the course of criminal trials, the purpose of the fishing expedition being to deter or delay criminal prosecutions. The bill, as amended by the Committee, provides an effective and appropriate standard for court review of personnel files, and preserves the important confidentiality which police personnel files require. Vote 17-1.

4648L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the confidentiality of police personnel files in criminal cases.

Amend RSA 105:13-b as inserted by section 1 of the bill by replacing it with the following:

105:13-b Confidentiality of Personnel Files. No personnel file on a police officer who is serving as a witness or prosecutor in a criminal case shall be opened for the purposes of that criminal case, unless the sitting judge makes a specific ruling that probable cause exists to believe that the file contains evidence relevant to that criminal case. If the judge rules that probable cause exists, the judge shall order the police department employing the officer to deliver the file to the judge. The judge shall examine the file in camera and make a determination whether it contains evidence relevant to the criminal case. Only those portions of the file which the judge determines to be relevant in the case shall be released to be used as evidence in accordance with all applicable rules regarding evidence in criminal cases. The remainder of the file shall be treated as confidential and shall be returned to the police department employing the officer.

## AMENDED ANALYSIS

This bill permits the personnel file of a police officer serving as a witness or prosecutor in a criminal case to be opened for purposes of that case under certain conditions.

**HB 1387-FN-L**, clarifying the laws relative to temporary guardianship. REFER FOR INTERIM STUDY

Rep. Robert A. Lockwood for Judiciary: This bill stirred up heated debate. Because of the severely divided opinions among all parties of interest, and because of the complexity of the issues, the Committee unanimously agreed that further study is indicated. Vote 14-0.

**HB 1393-FN**, establishing that fines for summonses for motor vehicle violations for which a plea may be made by mail be paid to the division of motor vehicles. OUGHT TO PASS WITH AMENDMENT

Rep. Alf E. Jacobson for Judiciary: This bill shifts the payment by mail of fines for motor vehicle violations from the district court to Department of Safety. The bill also re-establishes the \$2 or 15 percent penalty assessment to go to Police Standards & Training Council beginning in 1994. The amendment makes Section 7 effective on passage. Vote 15-0.

4829L

## Amendment

Amend the bill by replacing section 8 with the following:

8 Effective Date.

I. Section 6 of this act shall take effect July 1, 1994, at 12:01 a.m.

II. Section 7 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect as provided in section 7 of this act. Referred to Appropriations.

**HB 1428**, establishing a study committee to investigate the need and possible funding sources for a state witness protection program. INEXPEDIENT TO LEGISLATE.

Rep. Donnalee M. Lozeau for Judiciary: This bill would have created a study committee relative to the need for funding a state "witness protection" program. The Committee felt at this time that this was unnecessary. The hearing was attended by the sponsor only. This indicated to us that there was not a driving force promoting such a program. Vote 18-0.

**HB 1440-FN**, relative to preparation of master jury lists by the department of safety from drivers' licenses lists. OUGHT TO PASS WITH AMENDMENT

Rep. Alf E. Jacobson for Judiciary: This bill permits the court to draw the jury list from the listing of holders of a current New Hampshire driver's license. The amendment changes the words, "an official" to "a Department of Safety" identification card in cases of non-drivers. Vote 13-0.

4830L

## Amendment

Amend RSA 500-A, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Master jury list" means the list compiled by the department from the official record of persons who hold a current New Hampshire driver's license or a department of safety identification card.



## AMENDED ANALYSIS

This bill requires the department of safety to prepare a master jury list annually from the official record of persons who hold a current New Hampshire driver's license or a department of safety identification card. Currently the master jury list is compiled by the clerk of the superior court of each county from names of prospective jurors supplied to the clerk by the selectmen.

**HB 1397-FN-L**, extending unemployment benefits for 13 weeks beyond the current limit until the state unemployment rate is at or below 5 percent for 3 consecutive months. **INEXPEDIENT TO LEGISLATE**.

Rep. Carl R. Johnson for Labor, Industrial and Rehabilitative Services: There is no need for this bill, federal law covers extended benefits and has been implemented twice this year. Vote 14-0.

**HB 1230**, prohibiting municipalities from enacting and enforcing local sanitary waste disposal regulations which are more stringent than state regulations. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas B. Salatiello for Municipal and County Government: If passed, this bill would prohibit communities from enacting and enforcing rules, regulations, or ordinances that are more stringent than state law or rules adopted by the Department of Environmental Services. This bill would violate the entire "home rule" philosophy of government in this state. The committee believes that the existing statutes provide municipalities with the flexibility they need to protect their water resources and to establish higher standards. The bill was strongly opposed by the New Hampshire Association of Conservation Commissions. Vote 13-0.

**HB 1241-FN-L**, relative to registration fees for kittens. **INEXPEDIENT TO LEGISLATE**

Rep. Richard T. Trelfa for Municipal and County Government: HB 1241 as proposed will not solve the problem as described. Enforcement would be difficult, if not impossible. Vote 13-0.

**HB 1268**, relative to inspection and permit fees set by local legislative bodies. **OUGHT TO PASS WITH AMENDMENT**

Rep. John S. Barnes, Jr. for Municipal and County Government: This removes ambiguity from RSA 673:16. The Department of Revenue Administration supports the bill. Vote 13-0.

4524L

## Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Added. Amend RSA 673:16, I to read as follows:

I. Each local land use board may appoint such employees as it deems necessary for its work who shall be subject to the same employment rules as other corresponding civil employees of the municipality. Each board may also contract with planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the board, exclusive of gifts [or], reimbursements, *or amounts held pursuant to paragraph II*, shall be within the amounts appropriated for the purpose by the local legislative body, which may provide such funds, equipment, and accommodations as it deems necessary or advisable for the board's work. Each board may accept and use gifts, grants, or contributions for the exercise of its functions, in

accordance with procedures established for the expenditure of funds within the municipality.

2 Municipal Fees Placed in Separate Funds. RSA 673:16, II is repealed and reenacted to read as follows:

II. Any fee which a local land use board, acting pursuant to this title, collects from an applicant to cover an expense lawfully imposed upon that applicant, including but not limited to the expense of notice, the expense of consultant services or investigative studies under RSA 674:4, I(g), or the implementation of conditions lawfully imposed as part of a conditional approval, may be paid out toward that expense without approval of the local legislative body. Such fees:

(a) Shall, whenever held by the municipality, be placed in the custody of the municipal treasurer, subject to the same investment limitations as for other municipal funds.

(b) May be paid out only for the purpose for which the expense was imposed upon the applicant.

(c) Shall be held in a separate, nonlapsing account, and not commingled with other municipal funds; provided, however, that such fees may be used to reimburse any account from which an amount has been paid out in anticipation of the receipt of said fees.

(d) Shall be paid out by the municipal treasurer only upon order of the local land use board or its designated agent for such purpose.

This paragraph shall not apply to application, permit, or inspection fees which have been set by the local legislative body as part of an ordinance, or by the selectmen under RSA 41:9-a. Notwithstanding RSA 672:7, a building inspector shall not be considered a "local land use board" for purposes of this section.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill clarifies which fees set by local land use boards are to be placed in separate accounts and how certain fees may be spent.

**HB 1277-FN-L**, requiring municipalities to adopt the BOCA National Building Code when they adopt a local building code. INEXPEDIENT TO LEGISLATE

Rep. John A. Middleton for Municipal and County Government: The Committee feels that towns and cities should have the right to adopt the code of their choosing or part thereof, there being many national codes. Although a number of BOCA officials and building inspectors testified in favor; the Office of State Planning, the Commissioner of Agriculture, the NH Municipal Association, several farmers, and local officials were strongly opposed. In summary, the Committee deems it inappropriate for the State to mandate what code would be adopted by municipalities. Vote 14-0.

**HB 1308**, relative to technical changes to the municipal charter laws. OUGHT TO PASS

Rep. Eugene W. Clark for Municipal and County Government: This bill removes obsolete references to "appointed members" of charter commissions and condenses the time frame for review process concerning changes. Vote 15-0.

**HB 1340-FN-L**, relative to withholdings for property taxes. INEXPEDIENT TO LEGISLATE

Rep. John A. Middleton for Municipal and County Government: This bill would cause more problems than it would solve. The preponderance of testimony was in opposition. Vote 13-0.

**HB 1341-FN-L**, clarifying the terms “subsequent tax” and “registered” and “certified” mail for purposes of certain property tax laws. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul A. Golden for Municipal and County Government: Requested by the Department of Revenue Administration, the amended bill addresses the payment of “subsequent tax” by a purchaser of real estate at a tax sale or payment by a municipality, a county or the state as holder of a tax lien, and sets forth procedural directions to the tax collector of notification to the register of deeds, amount of payment, date, name of municipality, county or state paying the tax, with date of the tax lien, name of person taxed, and description of the property subject to the tax lien as shown in the report recorded in the registry of deeds. Vote 13-0.

4819L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Payment of Subsequent Tax. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. *For purposes of this section, “subsequent tax” shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county or the state.* The purchaser of real estate at any tax sale may pay to the collector any *subsequent* tax [assessed upon the real estate subsequent to that for which it was sold] and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive \$1 for such notice to the register of deeds of the *payment of* subsequent [payment] *tax* plus \$1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his purchase at the tax sale to be included in his costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a *subsequent* tax [subsequent to that for which the real estate was sold] and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of \$5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of 18 percent per annum from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

2 Notice; Certified or Registered. Amend RSA 80:66 to read as follows:

80:66 How Notice Shall be Given. The notice shall be in writing, and a copy shall be given to each mortgagee as recorded at the registry of deeds in hand, or left at his usual place of abode, or sent by *certified mail, return receipt requested, or* registered mail to his last known post-office address.

3 Payment of Subsequent Tax. Amend RSA 80:75, I to read as follows:

I. *For purposes of this section, “subsequent tax” shall mean any tax assessed upon the real estate subsequent to that for which it was liened by a municipality, a county or the state.* The municipality, county, or state as holder of the tax lien may

pay to the collector any *subsequent* tax [assessed upon the real estate subsequent to that of the execution of the lien,] after the final installment of said tax for that year is delinquent, and the collector shall, within 30 days after such *payment of* subsequent [payment] *tax*, notify the register of deeds of the payment, giving the date and the amount of such payment and the name of the municipality, county, or state so paying, together with the date of the tax lien, the name of the person taxed, and a description of the property subject to tax lien as shown in the report recorded in the registry of deeds. The collector of taxes shall receive \$2 for such notice to the register of deeds of the subsequent payment plus \$2 to be paid to the register of deeds.

4 Effective Date. This act shall take effect January 1, 1993.

**HB 1367**, enabling local legislative bodies to limit the sale of the use of rights-of-way. **INEXPEDIENT TO LEGISLATE**

Rep. John S. Barnes, Jr. for Municipal and County Government: The sponsor asked the Committee to make this bill Inexpedient to Legislate. Vote 13-0.

**HB 1429**, relative to accounting for land use change tax funds. **OUGHT TO PASS**

Rep. Richard T. Trelfa for Municipal and County Government: This bill clears up a minor problem with legislation passed last year. Vote 13-0.

**HB 1469-FN-L**, changing the interest rates on delinquent and subsequent taxes. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas B. Salatiello for Municipal and County Government: This bill, if passed, would change the interest rate on delinquent taxes from 12 percent to 2 percent above the prime rate of interest and on subsequent taxes from 18 percent to 4 percent above the prime rate of interest. The Department of Revenue Administration indicated a probable impact of lost income of \$13.5 million per year on municipalities, resulting in a direct reduction in revenues to communities. The high interest rates for delinquent taxes were enacted deliberately by the Legislature as an incentive for people to pay their taxes on time. Citizens who cannot afford their taxes should not be borrowing that money from the town. Finally, enactment of this bill would impose an expanded responsibility on municipalities without funding it, and would therefore arguably be an unfunded mandate in violation of Part 1, Article 28-A of the New Hampshire Constitution. The testimony was mixed, with the preponderance in opposition. Vote 13-0.

**HB 1305**, permitting the sale of pistol canes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert R. Walsh for Public Protection and Veterans Affairs: The Committee expended an inordinate amount of time and effort in researching this legislation. Gun canes and rifle canes have been declassified by the Bureau of Alcohol, Tobacco and Firearms from former classification as "curios or relics" and are, therefore, no longer considered weapons covered by the "National Firearms Act," but rather "antiques," not subject to the provision of the National Firearms Act. Gun canes have not been manufactured for almost 100 years, are of legitimate historical and collector interest, are of substantial monetary value, and are highly unlikely to be used in the commission of a crime. Possible criminal misuse with gun canes is covered in RSA 631:4 "criminal threatening," and they are not considered to be a potential problem by the office of the Attorney General. Vote 14-0.



4871L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

permitting the carrying and selling of antique gun canes.

Amend RSA 159:1 as inserted by section 1 of the bill by replacing it with the following:

159:1 Definition. Pistol or revolver, as used herein, means any firearm with barrel less than 16 inches in length. It does not include antique pistols, *gun canes*, or revolvers. An antique pistol, *gun cane*, or revolver, for the purposes of this chapter, means any pistol, *gun cane*, or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol, *gun cane*, or revolver which utilizes *readily available* center fire or rim-fire cartridges *which are in common, current use* shall be deemed to be an antique pistol, *gun cane*, or revolver. *Nothing in this section shall prevent antique pistols, gun canes, or revolvers from being owned or transferred by museums, antique or arms collectors, or licensed gun dealers at auctions, gun shows, or private premises provided such ownership or transfer does not conflict with federal statutes.*

**HB 1227-A**, decreasing the bonding authorized relative to the Manchester access ramp project. OUGHT TO PASS WITH AMENDMENT.

Rep. John F. Weeks, Jr. for Public Works: The bill is a request of the New Hampshire Department of Transportation. The bill decreases the bonding authorized for the Manchester ramp project, but never used. The amendment repeals Chapter 235, Laws of 1991. The Committee is unanimous in support of this bill. Vote 12-0.

4794L

**Amendment**

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4.

3 Repeal. 1991, 235, relative to improvements on Gosling Road, is repealed.

Referred to Appropriations.

**HB 1238-FN**, authorizing the reconstruction of the Route I-89 exits 18 and 20 interchanges in Lebanon. OUGHT TO PASS WITH AMENDMENT.

Rep. David J. Alukonis for Public Works: The reconstruction of exits 18 and 20 on Interstate Route 89 has been requested by the city of Lebanon and is supported by the New Hampshire Department of Transportation. Currently hazardous situations occur frequently when traffic exiting I-89 at these exits stacks up and impedes traffic in the travel-lanes. This situation has been caused, in part, by the operations of the new Dartmouth-Mary Hitchcock Hospital as well as by increased commercial and industrial-related traffic in the area. Through the use of impact fees (Dartmouth-Mary Hitchcock Hospital alone has paid an off-site impact fee of \$1.5 million) and other city funds, numerous traffic improvements in the vicinity of these two exits have been constructed, and others are planned. There has been a very high level of cooperation between the city and the state in the coordination of traffic improvements on both state and local highways in this vicinity. The reconstruction of these two exits is a significant part of an overall highway facility improvement program planned by the city of Lebanon. The amendment switches the priority between the two exits to reflect the desires of the city of Lebanon. Vote 12-0.

4588L

**Amendment**

Amend 1986, 203:3, I(a)(9) and (10) as inserted by section 1 by replacing them with the following:

- (9) Lebanon Reconstruction of Route 120  
interchange, (Exit 18)
- (10) Lebanon Reconstruction of Route 12-A  
interchange, (Exit 20)

Referred to Appropriations.

**HB 1454-FN**, relative to the motor vehicle fuel tax imposed on propane and compressed natural gases. REFER FOR INTERIM STUDY.

Rep. David J. Alukonis for Public Works: The intent of House Bill 1454 is to equalize the motor fuel tax on propane and compressed natural gas (CNG) based upon the BTU content of these fuels. In so doing, the sponsor hoped to encourage the use of propane and CNG as motor fuels. Increasing the use of these two gases by motor vehicles, could effectively reduce the emissions caused by motor vehicles. While the Committee agrees with the sponsor's intent, it noted that changing the fuel tax levy based upon the fuel's efficiency and performance could have significant future effects on the application and collection of motor fuel taxes. Therefore, the Committee feels that the issue should be referred to Interim Study to consider the broad spectrum of effects possible due to a change in the levy of motor fuel taxes based upon fuel performance. Vote 17-0.

**HB 214-FN-A**, creating a new class of highways for access to public waters and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT.

Rep. Mary Ann Lewis for Resources, Recreation and Development: The bill, as amended, was originally considered by the Fish and Game Committee and specifies a new category of Class IIIa highways, which are designated "boating access highways." The bill is a companion bill to House Bill 601 which establishes a boating access program. The Committee is pleased to concur with the Fish and Game Committee. Vote 13-0.

4816L

**Amendment**

Amend RSA 229:5, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. Class III-a highways shall consist of proposed boating access highways from any existing highway to any public water in this state. All class III-a highways shall be limited access facilities, as defined by RSA 230:44 and subject to the layout, design, construction, maintenance provisions, and all other provisions relative to limited access facilities. A class III-a highway may be made subject to gates or bars and restricted to the accommodation of persons on foot, or certain vehicles, or both.

Amend RSA 230:44-a as inserted by section 4 of the bill by replacing it with the following:

230:44-a Jurisdiction of Class III-a Highways. For the purposes of this subdivision, the executive director of the fish and game department shall have authority over all class III-a highways.

Amend RSA 265:78 as inserted by section 13 of the bill by replacing it with the following:

265:78 Competitive Bicycle or Moped Races. No person shall conduct or participate in any competitive bicycle or moped race on any class I [or], class III, *or class III-a* highway or on the state-maintained part of any class II highway, unless such race is sponsored by a recognized bicycle or moped organization and the sponsor of such race has obtained, prior to such race, the written approval of the commissioner, *the executive director of the fish and game department* and of the police department of each city, town or place in which such race is to be held. The commissioner *and the executive director of the fish and game department* may require insurance, police coverage or other regulations to insure the safety and protection of the public, and the permit may exempt competitors from such requirements of this chapter relative to rules of the road as are not inconsistent with public safety.

Amend the bill by replacing section 17 with the following:

17 Effective Date. This act shall take effect July 1, 1992.

Amend the bill by deleting sections 7, 14, and 16 and renumbering sections 8-13, 15, and 17 to read as 7-13, respectively.

#### AMENDED ANALYSIS

This bill creates a class III-a highway classification. Class III-a highways shall consist of all proposed boating access highways from any existing highway to any public water in this state. All class III-a highways shall be limited access facilities, as defined by RSA 230:44. A class III-a highway may be made subject to gates or bars and restricted to the accommodation of persons on foot, or certain vehicles, or both. Class III-a highways shall be under the jurisdiction of the fish and game department.

An appropriation is made to the fish and game department for the purposes of this bill and charged to the fish and game fund.

Referred to Appropriations.

**HB 1168-FN**, relative to acquiring the Gumpus Pond dam. REFER FOR INTERIM STUDY.

Rep. Howard C. Dickinson for Resources, Recreation and Development: House Bill 1168 is being sent to Interim Study because the Committee wants to insure that the landowners around Gumpus Pond understand the procedure for establishing a village district. Furthermore, no dam may be accepted by the state without the review and approval of the Dam Maintenance Review Committee (DAM-REV). Vote 15-0.

**HB 1218-FN-A**, authorizing the North Conway water precinct to hire a consultant to study the sewerage situation and making an appropriation therefor. REFER FOR INTERIM STUDY.

Rep. Howard C. Dickinson for Resources, Recreation and Development: House Bill 1218 is being sent to Interim Study because the Committee wants to review the procedures and policies concerning the permitting and financing of waste water treatment plants, with particular emphasis upon interstate waters issues. Vote 14-0.

**HB 1228-FN-L**, exempting certain single-family residential property from connecting to a municipal sewer line. OUGHT TO PASS WITH AMENDMENT.

Rep. Janet M. Conroy for Resources, Recreation and Development: RSA 147:8 requires property owners to hookup to a public sewer system if it is within 100 feet of said property. House Bill 1228, as amended, gives the municipal officials the authority to grant a waiver to this requirement if the on-site system complies with state and local regulations and was approved for construction after January 1, 1985. Vote 10-1.

4647L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

allowing a city, town or village district to grant waivers from the requirement of connection to the public sewer systems for properties with adequate alternative sewage disposal systems.

Amend the bill by replacing all after the enacting clause with the following:

1 Waivers for Properties with Adequate Alternative Sewage Disposal Systems.  
Amend RSA 147:8 to read as follows:

147:8 Toilets; Drains. No person shall occupy, lease to any other person, or permit any other person to occupy, a building or any part of a building as a dwelling house, office, store, shop, theater, public hall, sleeping apartment or tourist cabin, unless such building shall have readily accessible adequate toilet and lavatory facilities, properly ventilated and constructed, and kept in proper sanitary condition; and unless said building shall be provided with suitable drains or sewers for conveying waste water and sewage away from the premises into some public sewer, if there be one within 100 feet thereof, and if not, for conveying it away underground or in some other manner that will not be offensive. The phrase public sewer, as used in this chapter, shall be understood to mean any sewer constructed and maintained by taxation, or any sewer which is open for general use upon the payment of a rental, license or other fee. Notwithstanding the provisions of this section, privies (outhouses not conveying sewage by water) may be allowed if such facilities are first approved by the local municipal health officials as to location and construction of the facilities. At the option of the local municipal health officials, further approval may be required by the water supply and pollution control commission, prior to the construction of such facilities. Nothing in this section shall prohibit cities, towns, or village districts, by ordinance or by regulation under RSA 147:1, from increasing the 100-foot distance contained in this section, *or from granting waivers to the requirement of connection to the public sewer for properties with adequate alternative sewage disposal systems which comply with applicable state and local regulations, designed by a designer licensed in New Hampshire and approved for construction by the New Hampshire department of environmental services after January 1, 1985.*

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill allows a locality to grant waivers from the requirement of connection to the public sewer if the property has an adequate alternative sewage disposal system which complies with applicable state and local regulations.

**HB 1382**, requiring all sellers of property to fully disclose information relative to private water supplies and sewage disposal. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Jankowski for Resources, Recreation and Development: The bill, as amended, addresses the issue of the owner's responsibility to disclose details concerning the septic system and water supply for any property prior to sale. Vote 15-0.

4821L

**Amendment**

Amend the title of the bill by replacing it with the following:



## AN ACT

requiring all sellers of property to fully disclose information relative to private water supplies and septic and sewage disposal systems.

Amend the bill by replacing all after section 1 with the following:

2 Disclosure Required. Amend RSA 485-A:39 to read as follows:

I. Prior to [offering for sale] *the execution of a purchase and sale agreement* for any developed waterfront property using a [sewage] *septic* disposal system, the owner of the property shall, at his expense, engage a [licensed sewage] *permitted subsurface sewer or waste* disposal system designer to perform a site assessment study to determine if the site meets the current standards for [sewage] *septic* disposal systems established by the division. The site assessment study [may] *shall* be completed [off-site] *on-site*.

II. The site assessment study form shall become a part of the [listing] *purchase and sale* agreement [before the developed waterfront property may be offered for sale].

III. The site assessment study form, with stated findings, shall be given to the buyer and receipt of the form shall be acknowledged in writing by the buyer.

IV. Failure of the seller or the seller's agent to notify the buyer of the findings or deliver approved plans of the [sewage] *septic* disposal system pursuant to paragraph III of this section shall be a violation and, notwithstanding RSA 651:2, shall be punishable by a fine not to exceed \$500.

V. The site assessment study shall consist of 3 sections:

(a) Section A shall include the name, address, and telephone number of the seller and the seller's agent and the location and a brief description of the property, including the tax map reference and lot number.

(b) Section B shall include the lot size, slope, loading (based on the number of bedrooms in the structure), water source, soil type, and estimated seasonal high water table information from U.S. Soil Conservation Service maps. A space shall be included on the form for the [licensed] *permitted* designer to write his assessment of the site for the current use of the system, based upon the criteria and information required in this subparagraph.

(c) Section C shall include information about the present [sewage] *septic* disposal system, if available. If the installed system was approved by the division, a copy of the approval form, approval number and plan shall be attached to the site assessment study. An assessment indicating that the site fails to meet any of the criteria established under this section shall not prohibit the sale of the property but must be disclosed to the buyer as full and proper notice of the possible limitations of the site for a [sewage] *septic* disposal system.

VI. The division shall design the site assessment form pursuant to paragraph V of this section. The division shall adopt rules pursuant to RSA 541-A relative to the procedures for the availability and distribution of the form to interested parties.

3 Effective Date. This act shall take effect January 1, 1993.

## AMENDED ANALYSIS

This bill requires the seller of real property which includes a building to disclose information relative to the private water supply and the sewage disposal system.

The bill also requires an on-site assessment to be included in any purchase and sale agreement for developed waterfront property using a septic disposal system.

**HB 1436**, changing the effective date of certain portions of the shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven R. Maviglio for Resources, Recreation and Development: This legislation will prevent the deterioration of the water quality of New Hampshire lakes without spending a penny of state funds. It bumps up the effective date of certain septic setback regulations and for alteration of terrain permit requirements which were enacted by the legislature last year. The bill received overwhelming support at the hearing. Vote 13-1.

4663L

### Amendment

Amend the title of the bill by replacing it with the following:

### AN ACT

relative to septic setbacks and terrain alteration permits.

Amend the bill by replacing all after the enacting clause with the following:

1 Effective Date in Contingency Changed. Amend 1991, 303:8 to read as follows:

303:8 Contingency. Sections 1, *excluding RSA 483-B:6-7 and RSA 483-B:9, V(b) and (c)*, 2, and 5 of this act shall take effect only after the general court has approved funding of sections 1, 2, and 5 of this act after consideration of the implementation plan required under section 7 of this act, except that any gifts, grants, and donations solicited or received by the department of environmental services under RSA 483-B:15 may be expended only for the purpose of preparation of the report required under section 7 of this act. The commissioner shall not activate the rulemaking process pursuant to RSA 483-B:17 until the general court has approved funding of sections 1, 2, and 5 of this act after consideration of the implementation plan required under section 7 of this act.

2 Effective Date for Septic Setbacks and Terrain Alteration Permits Changed to 60 Days. Amend 1991, 303:10, I to read as follows:

303:10 Effective Date.

I. Sections 1, *excluding RSA 483-B:6-7 and RSA 483-B:9, V(b) and (c) which shall take effect as provided in paragraph II*, 2, and 5 of this act shall take effect as provided in section 8 of this act.

3 Terrain Alteration. Amend RSA 485-A:17, II to read as follows:

II. The division shall charge a fee for each review of plans, including project inspections, required under this section. The fee shall be based on the extent of contiguous area to be disturbed. *Except for RSA 483-B:9*, the fee for plans encompassing an area of at least 100,000 square feet but less than 200,000 square feet shall be \$100. *For the purposes of RSA 483-B:9, the fee for plans encompassing an area of at least 50,000 feet but less than 200,000 square feet shall be \$100.* An additional fee of \$100 shall be assessed for each additional area of up to 100,000 square feet to be disturbed. No permit shall be issued by the division until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the treasury as unrestricted funds.

4 Effective Date. This act shall take effect January 1, 1993.

### AMENDED ANALYSIS

This bill amends the effective date of sections of the shoreland protection act relative to septic system setbacks and terrain alteration from contingent upon funding of the act to 60 days after the act's passage.

This bill also changes the minimum square footage for which a terrain alteration permit is required involving shoreland projects.

**HB 1471-FN**, changing the penalties for theft of timber from another person's land or for altering the mark of any mill log belonging to another person. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard C. Dickinson for Resources, Recreation and Development: House Bill 1471, as amended, will enhance the enforcement capacity of the Department of Resources and Economic Development. The theft of timber is currently a misdemeanor with a statute of limitation of only one year. By making theft of timber valued at more than \$500 a felony, the statute of limitation is increased to six years. Vote 11-0.

4806L

#### **Amendment**

Amend RSA 539:3-c as inserted by section 3 of the bill by replacing it with the following:

539:3-c Investigation. The director of the division of economic development, department of resources and recreation, or designee, shall investigate possible violations of RSA 539:1 and 539:2. The director shall adopt rules, under RSA 541-A, relative to the procedures for the conduct of such investigations.

#### **AMENDED ANALYSIS**

This bill changes the penalty for persons who are charged with theft of timber from another's land or for altering the mark of any mill log belonging to another person. The theft is a misdemeanor if the property value is less than \$500, a class B felony for value of \$500 - \$1,000, and a class A felony for value over \$1,000. The bill increases the civil penalty from 5 times to 10 times the market value of the timber illegally taken.

The bill also requires the director of the division of economic development, department of resources and economic development, to investigate charges of violations.

**HB 1455-FN**, relative to motor vehicle laws, including increasing motor fuel distributors' minimum bonding amount, suspension of wholesale motor vehicle dealer's registration, hanging disability placards, and other technical changes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Christie, Jr. for Transportation: This bill establishes a disability hanging placard for use in motor vehicles, an exemption to the fuel users license for out-of-state registered recreational vehicles and other technical changes relative to the motor vehicle laws. Vote 15-0.

4796L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to motor vehicle laws, including suspension of wholesale motor vehicle dealer's registration, hanging disability placards,  
and other technical changes.

Amend the bill by replacing all after section 1 with the following:

2 Diesel Fuel Exemption. Amend RSA 260:52, V to read as follows:

V. Every user of special fuel shall procure a user's license for each motor vehicle propelled by such fuel, which will expire on January 1 of each year, on such forms as

the department may prescribe at a fee of \$5. It shall be unlawful for any owner or driver to drive or cause to be driven any motor vehicle propelled by such fuel over the ways of this state unless he is the holder of a valid user's license or has been granted authority to drive on a temporary basis as provided in RSA 260:52, VI. Notwithstanding this provision, all pleasure-type vehicles *and trucks with a gross registered weight of 10,000 pounds or less*, registered exclusively in another state shall be exempted from the requirements of a user's license. For the purposes of this section, pleasure-type vehicles shall be limited to all vehicles with a registered gross weight of less than 7,000 pounds, recreational vehicles and buses which have been structurally altered for use as campers which are not common or contract carriers of passengers and do not have a seating capacity of more than 19 passengers.

3 Unsworn Falsification. Amend RSA 261:52 to read as follows:

261:52 Application for Registration. Application for the registration of vehicles may be made by the owner thereof by mail or otherwise to the department, upon blanks prepared by the director. In addition to such other particulars as the director may require, the application shall contain the applicant's birth date, unless the vehicle is registered in the name of a person other than a natural person, in which case the date assigned by the director shall be used as the date of birth. All applications shall contain the words: "This application is signed *and any additional information is offered* under penalty of [perjury.]" *unsworn falsification pursuant to RSA 641:3*. The proper fee shall be deposited before the application is granted.

4 Disability Hanging Placard Created. Amend RSA 261:88, III to read as follows:

III. Upon application, the department shall furnish a card *or placard* without charge to a person with a walking disability who furnishes satisfactory proof of such disability to the director. [This] *The card or placard* shall [be placed on] *hang from* the [dashboard of a motor vehicle so that it may be read through the windshield when such motor vehicle is parked] *rearview mirror*. The card *or placard* shall be of such design as the director shall determine; provided, however, that said design shall incorporate the international accessibility symbol. Such card *or placard* shall be renewed upon certification by the holder of such card *or placard*, on a form provided by the director, that the disability which necessitated it continues.

5 Wholesale Dealer's Registration. Amend RSA 261:177 to read as follows:

261:177 Dealer, Transporter or Repairer Registration; Suspension or Revocation. The director may suspend or revoke any dealer's, *wholesale dealer's* motorcycle dealer's, utility dealer's, moped dealer's, OHRV dealer's, junk dealer's, transporter's or repairer's registration upon any evidence of misuse or any violation of the provisions of this chapter or any rules issued hereunder.

6 Driver Licensing Form. Amend RSA 263:40 to read as follows:

263:40 Form of License. The [director] *commissioner* shall, upon payment of the required fee, issue to every applicant a driver's license subject to such conditions as the [director] *commissioner* may deem expedient [which shall take the form of a laminated card approximately 2-1/8 inches wide and 3-3/8 inches long. Said laminated card] *and in such form as the commissioner may prescribe*. *The license* shall bear thereon a distinguishing number assigned to the licensee and an instant full-face color photograph, *image or likeness* of the licensee. There shall also be provided a space wherein the licensee may enter his blood type if he so desires. [No license shall be valid until signed in the proper space by the licensee.]

7 License Restoration Fee Grace Period. Amend RSA 263:42, V to read as follows:



V. Whenever a driver's license has been suspended or revoked, or *notwithstanding RSA 263:56-a, III, whenever* the holder of a commercial driver license has been disqualified for a period of greater than 15 days, a fee of \$40 shall be paid by the licensee for the restoration of such license or commercial driver license. Under certain conditions the commissioner may waive the restoration fee for a default or suspension. The commissioner shall adopt rules, under RSA 541-A, relative to such waiver procedures.

8 Technical Change in Rulemaking Reference. Amend RSA 263:50, VIII to read as follows:

VIII. Such applicant has failed to comply with any applicable rule adopted pursuant to RSA [106-A:2-a] **21-P:14**.

9 Technical Change in Rulemaking Reference. Amend RSA 263:51, III to read as follows:

III. The licensee has failed to comply with any of the provisions of this subdivision or any applicable rule adopted pursuant to RSA [106-A:2-a] **21-P:14**;

10 Implied Consent De Novo Appeals Eliminated. Amend RSA 263:96, VI to read as follows:

VI. The driver shall have the opportunity for a hearing and appeal as provided in RSA 263:74 and [263:75] **263:76**.

11 Temporary Registration. Amend RSA 266:1, II to read as follows:

II. Any vehicle registered under this title, except an OHRV, snow traveling vehicle, moped, or other exempt vehicle, shall be inspected once a year, during the month in which the birth date of the owner is observed, if the owner is a natural person. An inspection sticker shall be valid for the same duration as the vehicle's registration, which shall not exceed 16 months. If the month in which the anniversary of the owner's birth occurs will be one of the next 4 months, an inspection sticker may be issued, with an expiration date of the birth month in the following year, of the first person named on the title application. *Nothing in this paragraph shall require any person who has registered and had inspected a vehicle with temporary plates to have the vehicle reinspected upon receipt of permanent motor vehicle plates.*

12 Reference to Motor Deleted. Amend RSA 266:1, IX to read as follows:

IX. Notwithstanding any other provisions of this section to the contrary, all [motor] trucks exceeding 10,000 pounds gross vehicle weight and all school buses, including buses owned or used by a religious organization or a nonprofit organization used exclusively as buses for the transportation of its members in connection with functions of the organization, shall be inspected semi-annually. The month for the first inspection shall be the month in which the birth date of the owner is observed, if the owner is a natural person; if the owner is other than a natural person, the first inspection shall be conducted during the month designated by the director as the registration month for such legal entity. In either case, the second inspection shall be 6 months later.

13 Repeal. The following are repealed:

I. RSA 261:58, II, relative to motorcycles used for off highway recreational purposes.

II. RSA 263:75, relative to implied consent de novo appeals.

14 Effective Date.

I. Section 2 of this act shall take effect July 1, 1992.

II. The remainder of this act shall take effect January 1, 1993.

**AMENDED ANALYSIS**

This bill establishes a disability hanging placard for motor vehicles and makes other technical changes relative to motor vehicle laws.

This bill is a request of the department of safety.

**REGULAR CALENDAR**

**HB 527-FN-A**, licensing speech-language pathologists and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas E. Hall for Appropriations: The policy portion of this bill has already been passed by the House. The amendment clarifies that the speech-language pathology board is to be an "administratively attached agency" under RSA 21-G:10, gives the board authority to pay per diem and travel to its members, changes the effective date to July 1, 1992 and appropriates \$34,700 for FY 93. The revenue anticipated from licensing fees is \$60,000 — more than covering the costs. Vote 17-2.

4854L

**Amendment**

Amend RSA 326-F:2 as inserted by section 1 of the bill by replacing it with the following:

326-F:2 Board Established; Composition of Board; Administrative Attachment; Compensation; Mileage.

I. There shall be a board of speech-language pathology consisting of 5 members, each to be appointed by the governor, with the approval of council, who are residents of this state, and have been residents of this state for at least one year prior to their appointment.

II. The board shall consist of 4 speech-language pathologists who are currently practicing speech-language pathology or who have had 2 years' experience practicing speech-language pathology, who hold active and valid licensure for the practice of speech-language pathology in this state, except for the first speech-language pathologists appointed who shall meet the eligibility requirements for licensure as specified in this chapter; and one representative of the public who is not associated with or financially interested in the practice or business of speech-language pathology or who is not a member of allied or related professions or occupations.

III. Each subsequent appointment may be made from recommendations submitted by the New Hampshire Speech-Language-Hearing Association which may submit at least 3 names for consideration for each appointment or from recommendations submitted by other interested organizations or persons in the state. No member of the board shall at the same time serve in an elected, appointed, or employed position in any state-level organization representing speech-language pathologists, which presents or may present a conflict of interest.

IV.(a) Appointments to the board shall be for a period of 3 years. Members shall serve until the expiration of the term for which they have been appointed or until their successors have been appointed and qualified. In the event of a vacancy in the office of a member of the board other than by expiration of a term, the governor shall appoint a qualified person to fill the vacancy for the unexpired term. No member may serve more than 2 consecutive 3-year terms.

(b) The board may remove any member of the board for dishonorable conduct, incompetency, or neglect of duty.

(c) The board shall review and take action on all applications for licensure, renewal, reinstatement, disciplinary matters, and all issues pertinent to the practice of speech-language pathology in New Hampshire.

V. The board shall be an administratively attached agency, under RSA 21-G:10, to the division of public health services, department of health and human services.

VI. The members of the board may receive a per diem of \$50 for meetings and examinations. Said board shall receive no compensation in excess of the fees received, and shall be of no expense to the state beyond such amount.

VII. Members of the board shall be reimbursed for in-state mileage expenses incurred in connection with the work of the board.

Amend the bill by replacing sections 3 and 4 with the following:

3 Appropriation. The sum of \$34,700 for the fiscal year ending June 30, 1993, is hereby appropriated to the board of speech-language pathologists for the purpose of licensing speech language pathologists in the state. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill:

(a) Establishes the board of speech-language pathology for licensing of speech language pathologists in the state.

(b) Delineates the powers and duties of the board.

(c) Authorizes a \$50 per diem and in-state mileage expenses for board members.

(d) Sets forth the qualifications for applicants seeking licensure by the board and the procedures for suspension, revocation, reinstatement, or renewal of licensure by the board.

(e) Provides for provisional and temporary licensure.

(f) Grants rulemaking authority to the board to adopt rules relative to the provisions of this bill.

(g) Establishes penalties for any violation of or false statements made regarding the provisions of the bill.

(h) Administratively attaches the board to the division of public health services, department of health and human services.

This bill makes an appropriation to the board of speech-language pathology to carry out the provisions of this bill.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1395-FN-A**, relative to soil conservation districts and making a supplemental appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Channing T. Brown for Appropriations: This bill will continue to facilitate joint efforts of landowners, land occupiers and units of government in conservation and development of lands in the state. The \$20,000 appropriated will maintain the state conservation committee allowing participation in grants, matching funds and federal programs in conservation programs at the county level. Vote 18-1.

4584L

**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. It is the intent of this act to continue to facilitate the joint efforts of landowners, land occupiers, and units of government in carrying out measures for the conservation and proper development of lands in the state. In order to make this effort possible and to ensure the continuance of United States Department of Agriculture technical and financial support for current and future programs it is necessary for the state of New Hampshire to maintain the existing network established over prior years through the establishment and funding of the state conservation committee. The funds appropriated in section 2 of this act will maintain the operation of the state conservation committee allowing the state of New Hampshire to seek grants, funds, matching funds, and participate in federal programs and thus better support conservation programs at the county level.

2 Supplemental Appropriation; Department of Agriculture, Division of Soil Conservation. In addition to any other sums appropriated to PAU 02, 03, 07, soil conservation, the sum of \$20,000 is hereby appropriated to such PAU for the biennium ending June 30, 1993. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill provides for a supplemental appropriation for soil conservation districts for the biennium ending June 30, 1993, in order to maintain the operation of the state conservation committee and allow the state to seek other sources of support.

Adopted.

Report adopted.

Ordered to third reading.

**HB 545**, reapportioning the executive council districts. **OUGHT TO PASS WITH AMENDMENT.**

Reps. Natalie S. Flanagan and Garret P. Cowenhoven for Constitutional and Statutory Revision: Proposed plans for redistricting Executive Council districts were presented at public hearings conducted by the House Redistricting Committee in all 10 counties of the State. Following public input, the bill was amended and received the unanimous vote of the Redistricting Committee. The current members of the Executive Council have also agreed on the plan contained in this amendment. The Constitutional and Statutory Revision Committee voted to endorse this plan 10-2.

4447L

**Amendment**

Amend the bill by replacing section 1 with the following:

1 Councilor Districts. RSA 662:2 is repealed and reenacted to read as follows:

662:2 Councilor Districts. The state is divided into 5 districts for the choosing of councilors, each of which may elect one councilor. The districts shall be constituted as follows:

I. Councilor district number 1 is constituted of the counties of Coos and Grafton; the unincorporated place of Hale's Location; the towns of Albany, Alton, Bartlett, Belmont, Center Harbor, Charlestown, Chatham, Conway, Cornish, Croydon, Eaton, Effingham, Freedom, Gilford, Grantham, Hart's Location, Jackson, Madison,



Meredith, Moultonborough, New Hampton, Newport, Ossipee, Plainfield, Sanborn-ton, Sandwich, Springfield, Sunapee, Tamworth, Tilton, Tuftonboro, Wakefield, and Wolfeboro and the cities of Claremont and Laconia.

II. Councilor district number 2 is constituted of the towns of Acworth, Allens-town, Alstead, Andover, Antrim, Barnstead, Bennington, Boscawen, Bow, Bradford, Brookfield, Canterbury, Chesterfield, Chichester, Danbury, Deerfield, Deering, Dublin, Epsom, Farmington, Frankestown, Gilmanton, Gilsum, Goshen, Greenfield, Hancock, Harrisville, Henniker, Hill, Hillsborough, Hopkinton, Langdon, Lemp-ster, Loudon, Marlborough, Marlow, Middleton, Milton, Nelson, New Durham, Newbury, New London, Northfield, Northwood, Pembroke, Pittsfield, Rollinsford, Roxbury, Salisbury, Stoddard, Strafford, Sullivan, Surrey, Sutton, Unity, Walpole, Warner, Washington, Weare, Webster, Westmoreland, Wilmot, Windsor and the cities of Concord, Franklin, Rochester, and Somersworth.

III. Councilor district number 3 is constituted of the towns of Atkinson, Barrington, Brentwood, Chester, Danville, Durham, East Kingston, Epping, Exeter, Fre-mont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, Lee, Madbury, New Castle, Newfields, Newington, Newmarket, Newton, North Hamp- ton, Nottingham, Plaistow, Rye, Salem, Sandown, Seabrook, South Hampton, Stra- tham and Windham and the cities of Dover and Portsmouth.

IV. Councilor district number 4 is constituted of the towns of Auburn, Bedford, Candia, Derry, Hooksett, Hudson, Litchfield, Londonderry, Pelham and Raymond and the city of Manchester.

V. Councilor district number 5 is constituted of the towns of Amherst, Brookline, Dunbarton, Fitzwilliam, Goffstown, Greenville, Hinsdale, Hollis, Jaffrey, Lyndebo-rough, Mason, Merrimack, Milford, Mont Vernon, New Boston, New Ipswich, Pe-terborough, Richmond, Rindge, Sharon, Swanzey, Temple, Troy, Wilton and Winchester and the cities of Keene and Nashua.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted.

Ordered to third reading.

**HB 569**, to reapportion county commissioner districts. OUGHT TO PASS WITH AMENDMENT.

Reps. Natalie S. Flanagan and Garret P. Cowenhoven for Constitutional and Statu- tory Revision: Proposed plans for redistricting county commissioner districts were presented at public hearings conducted by the House Redistricting Committee in all 10 counties. The Constitutional and Statutory Revision Committee, as well as the House Redistricting Committee, agreed on plans for redistricting the county commis- sioner seats in nine of the ten counties. The sole county plan in question is Hillsbo- rough County; the district in question is Manchester. The issue is whether the town of Bedford or Goffstown should be included in that district. This amendment contains the plans for all ten counties, including Bedford in the Manchester district. Vote 10-3.

4705L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 County Commissioner Districts. RSA 662:4 is repealed and reenacted to read as follows:

662:4 County Commissioner Districts. Except for Strafford county where 3 county commissioners shall be elected at large, for the purposes of choosing county commissioners, the counties shall be divided into districts as follows:

I. Belknap: District 1, the city of Laconia; District 2, the towns of Belmont, Center Harbor, Gilmanton, New Hampton, Sanbornton, and Tilton; District 3, the towns of Alton, Barnstead, Gilford, and Meredith.

II. Carroll: District 1, the unincorporated place of Hale's Location and the towns of Albany, Bartlett, Chatham, Conway, Eaton, Hart's Location, and Jackson; District 2, the towns of Freedom, Madison, Moultonborough, Ossipee, Sandwich, and Tamworth; District 3, the towns of Brookfield, Effingham, Tuftonboro, Wakefield and Wolfeboro.

III. Cheshire: District 1, the towns of Alstead, Chesterfield, Hinsdale, Swanze, Walpole, Westmoreland, and Winchester; District 2, the town of Surrey and the city of Keene; District 3, the towns of Dublin, Fitzwilliam, Gilsum, Harrisville, Jaffrey, Marlborough, Marlow, Nelson, Richmond, Rindge, Roxbury, Stoddard, Sullivan, and Troy.

IV. Coos: District 1, the unincorporated place of Success and the city of Berlin; District 2, the unincorporated places of Bean's Grant, Bean's Purchase, Chandler's Purchase, Crawford's Purchase, Cutt's Grant, Green's Grant, Hadley's Purchase, Kilkenny, Low and Burbank's Grant, Martin's Location, Pinkham's Grant, Sargent's Purchase, and Thompson and Meserve's Purchase and the towns of Carroll, Dalton, Gorham, Jefferson, Lancaster, Randolph, Shelburne, and Whitefield; District 3, the unincorporated places of Atkinson and Gilmanton Academy Grant, Cambridge, Dix's Grant, Dixville, Erving's Location, Odell, and Second College Grant and the towns of Clarksville, Colebrook, Columbia, Dummer, Errol, Milan, Millsfield, Northumberland, Pittsburg, Stark, Stewartstown, Stratford, and Wentworth's Location.

V. Grafton: District 1, the towns of Enfield, Hanover, and Lebanon; District 2, the unincorporated place of Livermore and the towns of Bath, Benton, Bethlehem, Easton, Franconia, Haverhill, Landaff, Lincoln, Lisbon, Littleton, Lyman, Lyme, Monroe, Orford, Piermont, Sugar Hill, Warren, Wentworth, and Woodstock; District 3, the towns of Alexandria, Ashland, Bridgewater, Bristol, Campton, Canaan, Dorchester, Ellsworth, Grafton, Groton, Hebron, Holderness, Orange, Plymouth, Rumney, Thornton, and Waterville Valley.

VI. Hillsborough: District 1, the town of Bedford and the city of Manchester; District 2, the towns of Hollis, Hudson, and Pelham and the city of Nashua; District 3, the towns of Amherst, Antrim, Bennington, Brookline, Deering, Francestown, Goffstown, Greenfield, Greenville, Hancock, Hillsborough, Litchfield, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, New Boston, New Ipswich, Peterborough, Sharon, Temple, Weare, Wilton, and Windsor.

VII. Merrimack: District 1, the town of Bow and the city of Concord; District 2, the towns of Andover, Boscawen, Canterbury, Chichester, Danbury, Hill, Loudon, New London, Northfield, Pittsfield, Salisbury, Sutton, Webster and Wilmot and the city of Franklin; District 3, Allenstown, Bradford, Dunbarton, Epsom, Henniker, Hooksett, Hopkinton, Newbury, Pembroke, and Warner.

VIII. Rockingham: District 1, the towns of Atkinson, Greenland, Hampton, Hampton Falls, New Castle, Newington, Newton, North Hampton, Plaistow, Rye, Seabrook, South Hampton, and Stratham and the city of Portsmouth; District 2, the towns of Auburn, Brentwood, Candia, Chester, Danville, Deerfield, East Kingston,

Epping, Exeter, Fremont, Hampstead, Kensington, Kingston, Newfields, Newmarket, Northwood, Nottingham, Raymond, and Sandown; District 3, the towns of Derry, Londonderry, Salem, and Windham.

IX. Sullivan: District 1, the city of Claremont; District 2, the towns of Cornish, Croydon, Grantham, Newport, Plainfield, and Springfield; District 3, the towns of Acworth, Charlestown, Goshen, Langdon, Lempster, Sunapee, Unity and Washington.

2 Application. No provision of this act shall be construed as affecting the constituencies or terms of office of county commissioners presently in office. If there shall be a vacancy in a county commissioner district for any reason prior to the 1992 state general election, the vacancy shall be filled under the terms of RSA 661:9 from the same county commissioner district that existed for the 1990 state general election. The nomination and election of county commissioners at the state general election in November, 1992, shall be by districts as provided in this act.

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1054-FN**, relative to the industrial development authority. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L. Wheeler for Executive Departments and Administration: The Committee feels the state guarantee will be put to good use by preserving the vast number of jobs encompassed by this project. The economy will be protected and the financial well-being of the state will not be compromised with the issuance of these bonds. Vote 11-1.

4875L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Recommendations. The general court recognizes that in the first instance the primary focus of this act will be a proposed guarantee agreement for the James River Corporation, and specifically its plants operating in the Berlin/Gorham area of New Hampshire. In the course of the hearings before it, the house economic development committee has heard testimony about concerns of the state which ought to be recognized in the course of the negotiations. Therefore, the general court respectfully recommends to the governor that the conditions enumerated hereinbelow be incorporated in any guarantee agreement entered into under RSA 162-I:9-a between the state of New Hampshire and James River Corporation:

(a) That the parent corporation, James River Corporation, of Virginia, be the party to the guarantee agreement.

(b) That the agreement include a provision stating the maximum guarantee amount, principal and interest, covered by the agreement.

(c) That the agreement include the maturity and interest rate of the underlying indebtedness covered by the agreement.

(d) That the agreement include a representation by James River Corporation that all funds are to be expended in New Hampshire primarily for the purpose of improving environmental systems of the plants operating in Berlin/Gorham.

(e) A description of the rest of the capital investment program planned by the James River Corporation in Berlin/Gorham.

(f) A representation by James River Corporation that it intends to pursue other tax-exempt sources of funding.

(g) That if a sale of the plant occurs or there is a transfer or assignment of the guaranteed loan, the loan will be accelerated and New Hampshire will be relieved of its guarantee obligation.

(h) Standard, commercial cross-default provisions.

(i) A requirement that the James River Corporation make quarterly reports of its financial condition to the governor.

2 Purpose. The general court finds that the state is now experiencing a period of severe economic difficulty and that when such periods of economic difficulty occur it may be necessary for the state to intervene in order to protect or promote the economic well being and general welfare of its citizens and to minimize the risk of permanent economic damage to the state or a region of the state. It is the purpose of this act to authorize the state to guarantee revenue bonds issued by the industrial development authority under RSA 162-I in order to protect and promote the economy of the state. It is hereby declared that the governor and council, the state treasurer and the industrial development authority shall be performing a governmental function, advancing a public purpose and conferring a public benefit in carrying out the provisions of this act.

3 New Section; State Guaranty. Amend RSA 162-I by inserting after section 9 the following new section:

162-I:9-a State Guarantee.

I. The governor and council may award an unconditional state guarantee of the principal of and interest on bonds issued under this chapter. The full faith and credit of the state shall be pledged for any such guarantee, but the total outstanding principal amount of bonds guaranteed by the state under this section at any time shall not exceed \$25,000,000. For the purpose of determining the amount of bonds guaranteed by the state pursuant to this section, the amount of any issue of bonds sold at a discount shall be equal to the net proceeds thereof, determined by adding to the face amount of the bond issue the premium, if any, related to bonds of that issue and then subtracting the discount related to bonds of that issue. The amount of bonds of any such issue considered outstanding at any time, shall be determined by multiplying the face amount of the bonds of that issue then outstanding by a fraction, the numerator of which is the net proceeds of the issue as determined above, and the denominator of which is the face amount of the issue. The governor, with the advice and consent of the council, is authorized to draw his warrant for such sum as may be necessary out of any money in the treasury, not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest on the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

---

State Treasurer

In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds, the use and operation of the eligible facilities, the reimbursement to the state if any state funds are used to honor the guarantee and any other matters necessary or



desirable to carry out the purposes of this section. Such terms and conditions may be contained in an agreement among the state, the authority and user of the eligible facility to be executed on behalf of the state by the governor and the state treasurer and on behalf of the authority by any 2 persons authorized to execute bonds under RSA 162-I:8.

II. The governor and council shall not award any state guarantee under this section unless they have found after a hearing that such guarantee will serve a public use and provide a public benefit and have determined that the authority's financing of the project and the state's guarantee of the bonds will be within the policy of, and the authority conferred by, this chapter.

III. Before awarding any state guarantee of bonds under this section the governor and council shall first make the findings required by RSA 162-I:9, except the finding required by RSA 162-I:9, II(b)(4), taking into account the state guarantee. In addition, the governor and council shall also find that:

(a) The financing of the facility is of vital importance to the economic well being and general welfare of a substantial number of the state's citizens and will minimize the risk of permanent economic damage to the state or a region of the state;

(b) The award of a state guarantee will contribute significantly to the success of the financing; and

(c) Reasonable and appropriate measures have been taken to minimize the risk of loss to the state and to ensure that any private benefit from the award of a state guarantee will be only incidental to the public purpose served thereby.

IV. The hearing required by this section may be held and the findings and determinations so required may be made in conjunction with the proceedings required by RSA 162-I:9.

V. Whenever a state guarantee of bonds is awarded under this section the statement required by the first sentence of RSA 162-I:8, III shall be appropriately modified and the finding required by RSA 162-I:9, II(b)(4) shall not be made.

4 New Paragraph; Signature of State Treasurer. Amend RSA 162-I:8 by inserting after paragraph IV the following new paragraph:

V. The signature of the state treasurer on any endorsement of a state guarantee of a bond may be manual or facsimile.

5 Conforming Amendment. RSA 162-I:10, I is repealed and reenacted to read as follows:

I. No financing or security document, bond or other instrument shall in any way obligate the state to raise any money by taxation or use of other public funds for any purpose in relation to an eligible facility, and neither the state nor the authority shall pay or promise to pay any debt or meet any financial obligation to any person at any time in relation to an eligible facility financed in whole or in part by the issue of bonds except:

(a) From moneys received or to be received under the provisions of a financing or security document entered into under this chapter or derived from the exercise of the authority's rights under those instruments;

(b) As permitted by RSA 162-I:9-a; or

(c) As may be required by law other than the provisions of this chapter.

6 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill authorizes the industrial development authority to issue bonds guaranteed by the state not to exceed \$25,000,000 for the purpose of protecting and promoting the economy of the state.

This bill also sets forth certain recommendations for agreements entered into under this bill.

This bill also limits the term of the executive director to 4 years.

Reps. Robert Wheeler and Burling spoke in favor and yielded to questions.

Adopted.

Report adopted.

Referred to Appropriations.

**(Speaker Burns in the Chair)**

**HB 1259-FN**, requiring certain data to be submitted to the general court from the department of education. REFER FOR INTERIM STUDY.

Rep. William A. Riley for Education: The Committee would like this measure as a vehicle to assure that our directive to the State Board of Education, dealing with specific concerns with the SAU structure, is addressed in a report due October 1, 1992, and that specific changes dealing with legislation can be addressed in this bill. Vote 19-0.

Rep. Champagne spoke in favor and yielded to questions.

Rep. Jacobson spoke against and yielded to questions.

Referred for Interim Study.

**HB 1362-FN-L**, relative to the amount of out-of-state service which may be purchased by group II members. INEXPEDIENT TO LEGISLATE.

Rep. Robert L. Wheeler for Executive Departments and Administration: The Committee feels that the current law is adequate regarding out-of-state service purchase and to further expand this privilege would invite adverse selection against the retirement system to its financial detriment. Vote 11-1.

Adopted.

**HB 1458-FN**, licensing elevator mechanics. INEXPEDIENT TO LEGISLATE.

Rep. Maurice E. Goulet for Executive Departments and Administration: With a unanimous vote, the Sub-committee agreed that this bill does not answer a safety issue regarding elevator safety. What really is required are better procedures for elevator inspections; and this bill does not address this issue. Perhaps next year a new piece of legislation may address this issue. Vote 11-3.

Adopted.

**HB 1459-FN**, protecting the job and certain benefits of a classified employee injured in the line of duty. INEXPEDIENT TO LEGISLATE.

Rep. Merton S. Dyer for Executive Departments and Administration: Injuries that are work-related are not routinely charged against a state employee's sick and annual leave. They may elect to use their sick or annual leave to supplement their workman's compensation payments. This bill would also make the appointing authority the final judge for determining whether the injury received is in the line of duty or not. This is contrary to state statute which gives the workers' compensation commission for state employees this responsibility. Possibly a better way to address the concerns outlined in the bill would be for the state to develop a policy for light-duty positions or transfers to alternate positions during rehabilitation. Lastly, passage of this bill could increase state expenditures to a maximum of \$1,925,000. Vote 10-1.

Adopted.

**HB 1484-FN**, to provide retirement system credit for service in the university system of New Hampshire. **INEXPEDIENT TO LEGISLATE**.

Rep. Merton S. Dyer for Executive Departments and Administration: The Committee heard limited testimony on this bill and after investigating the UNH Retirement System and the NH Retirement System, it found that the two systems had many differences. The UNH system is a defined contribution system, while the NH system is a defined benefits system. The UNH system has no vesting period while the NH system requires 10 years vesting. The systems are not equal so buy-in by UNH employees should not be allowed. UNH employees transferring to employment with municipal governments that participate in the NHRS should be encouraged to place funds that may be withdrawn for the UNHRS in private retirement programs. Vote 16-1.

Adopted.

**HB 1414-FN-A**, establishing a medicaid plan to enhance the funding of services for children and families and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs: The purpose of this bill is to expand the state's Medicaid program in order to be eligible for federal funds. By enhancing the funding for services to children the state will be able to provide better case management and in some instances get Medicaid reimbursement for school initiatives that are now being paid for by local taxpayers. The appropriation is to provide the staff and training in order to be eligible for these funds. Vote 13-0.

4804L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the medicaid plan to enhance the funding of services for children and families and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that there are many children and families in New Hampshire who could materially benefit from case management and other community support services. The general court further recognizes that the federal government will fund such services through the medicaid program, and that this federal medicaid revenue is vital to the ability of the state government to implement these vitally necessary services for the benefit of New Hampshire children and families in crisis. Therefore, the general court directs the department of health and human services to continue its efforts to refine and expand the state medicaid plan and recruit and train providers to participate in the medicaid program.

2 Program Assistance; Report. The state medicaid plan is a complex document which must be continually updated, refined, and improved to reflect the rapid evolution of services which may be funded under the federal program. In addition, service providers require support, training, and program assistance in order to obtain maximum benefit from the federal program. The commissioner of health and human services shall increase through all appropriate means the efforts of the department to develop and refine the state medicaid plan, and to train and support service providers

in the implementation and utilization of medicaid eligible services. The commissioner shall submit a report to the speaker of the house and the president of the senate no later than November 1, 1992, detailing the departmental initiatives commenced or furthered as a result of this act.

3 Appropriation. The sum of \$50,000 for the biennium ending June 30, 1993, is hereby appropriated to the department of health and human services for the purpose of implementing the initiatives required by section 2 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to develop and refine the state medicaid plan designed to enhance the funding of services for children and families.

The bill makes an appropriation to the department of health and human services for the purposes of this bill.

Adopted.

Report adopted.

Referred to Appropriations.

#### **HB 1102-FN**, increasing fees for witnesses. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary: This bill would increase the witness fee from \$12 to \$30 for all witnesses. The cost to the state of this change is more than one million dollars. Vote 8-5.

Adopted.

**HB 1423-FN-L**, requiring the governor and council to appropriate funds to the plaintiffs in the Claremont school district lawsuit on a matching dollar basis for funds appropriated under RSA 7:12 for the state's defense. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Niels F. Nielsen, Jr. for the Majority of Judiciary: The Majority of the Committee was concerned with the precedent this bill would set. It was also felt that the issue in the Claremont suit should be a purely legislative matter, which should not have been referred to the courts in the first place. Vote 10-8.

Rep. Peter Hoe Burling for the Minority of Judiciary: The Minority believes that this bill stands for an important point: that issues of fundamental constitutional interpretation should be fully and fairly presented to the Supreme Court. The Claremont School case involves two all-important constitutional questions, and only by providing equal funding for both parties to the case can we insure a just decision. We must avoid the inequity of utilizing general fund monies to protect only one interest or side in this matter. It's time we "leveled the playing field" on the issue of funding public education, and it's time we committed, once and for all, to finding out if our Constitution requires support, fundamentally equal support, for public education.

Rep. Burling moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. Burling requested a quorum count.

The Speaker declared a quorum present.

Rep. Burling spoke in favor and yielded to questions.

Reps. Martling and Richard Campbell spoke against and yielded to questions.

Rep. Elizabeth Moore spoke in favor.



Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 131****NAYS 170****YEAS 131****BELKNAP**

Golden, Paul A.  
Rice, Thomas E. P., Jr.

Joscelyn, William W.  
Vogler, Charles C.

Maviglio, Steven R.

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel M.  
Foster, Katherine D.  
LaMar, David M.

Champagne, Richard L.  
Kennison, Wayne A.  
Perry, David M.

Clark, Eugene W.  
Kingsbury, H. Thayer  
Pratt, Irene A.

**COOS**

Coulombe, Henry W.  
Oliver, Terry D.

Mayhew, Josephine  
Theriault, Romeo J.

Nelson, Harold D.

**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Nordgren, Sharon L.

Brown, Patricia B.  
Guest, Robert H.  
Scanlan, David M.

Chambers, Mary P.  
Larson, Nils H., Jr.  
Stewart, Roger D.

**HILLSBOROUGH**

Amidon, Eleanor H.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Drabinowicz, A. Theresa  
Emerton, Lawrence A.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Johnson, Lionel W.  
Lachut, Ervin R.  
McDowell, James E.  
Nardi, Theodora P.  
Reidy, Frank J.  
Soucy, Donna M.  
White, John M.

Baker, George H., Sr.  
Bourque, Ann J.  
Cote, David E.  
Durham, Susan B.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Keane, Cornelius J.  
Lozeau, Donnalee M.  
Messier, Irene M.  
O'Rourke, Joanne A.  
Robinson, Ellen-Ann  
Stiles, Walter A.

Baldizar, Barbara J.  
Buckley, Raymond  
Crotty, Edward J.  
Dwyer, Patricia R.  
Green, Scott E.  
Hall, Betty B.  
Janas, Gregory  
King, Frank P.  
Martin, Mary Ellen  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Smith, Leonard A.  
Turgeon, Roland M.

**MERRIMACK**

Braiterman, Thea  
Daneault, Gabriel J.  
Feuerstein, Martin  
Hall, Douglas E.  
Molner, Mary E.  
Wallner, Mary Jane

Carter, Susan D.  
Dunn, Miriam D.  
Fillion, Paul R.  
Jacobson, Alf E.  
Smith, Gerald R.  
Whittemore, James A.

Chandler, John P.  
Fair, Patricia A.  
Gilbreth, Robert M.  
Letourneau, George E.  
Teague, Bert  
Yeaton, Charles B.

**ROCKINGHAM**

Bell, Juanita L.  
Clark, Martha Fuller  
Hoar, John, Jr.

Campbell, Marilyn R.  
DiPietro, Carmela M.  
Hurst, Sharleene P.

Caswell, Albert, Jr.  
Dowling, Patricia A.  
Hynes, Carolyn E.

Kane, Cecelia D.  
MacDonald, Joseph A.  
Pantelakos, Laura C.  
Schanda, Joseph, Sr.  
Wells, Henry E.

Klemarczyk, Thaddeus E.  
MacKinnon, Nancy W.  
Parr, Ednapearl F.  
Terninko, Margaret B.

Lovejoy, Virginia K.  
McGovern, Cynthia A.  
Rosencrantz, James R.  
Vaughn, Charles L.

### STRAFFORD

Douglass, Clyde J.  
Hambrick, Patricia A.  
Marston, Robert E.  
Pageotte, Donald P.  
Wall, Janet G.

Flynn, Edward J.  
Jankowski, Peter M.  
Merrill, Amanda A.  
Pelley, Janet R.  
Wheeler, Katherine W.

Gilmore, Gary R.  
Keans, Sandra B.  
O'Brien, John  
Sullivan, Henry P.

### SULLIVAN

Behrens, Thomas A.  
Harland, Jane A.  
Porter, Robert H.

Burling, Peter Hoe  
Krueger, Richard H.  
Stamatakis, Carol M.

Domini, Irene C.  
Lindblade, Eric N.  
Walsh, Robert R.

### NAYS 170

### BELKNAP

Cain, Thomas G.  
Holbrook, Robert G.  
Shibley, Arnold P.

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Turner, Robert H.

Hawkins, Robert S.  
Rosen, Ralph J.

### CARROLL

Beach, Mildred A.  
Wiggin, Gordon E.

Dodge, A. Gibb, Jr.

Foster, Robert W.

### CHESHIRE

Cole, Kenneth A.  
Feuer, Joseph N.  
Hunt, John B.  
Mohr, Frederick C., Jr.  
Young, David A.

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.  
Pearson, Gertrude B.

Crutchley, Donald O.  
Hogan, James B.  
Metzger, Katherine H.  
Sawyer, Alfred P.

### COOS

Brungot, Catherine V.  
Merrill, Gerald P.

Guay, Lawrence J.  
Pratt, Leighton C.

Horton, Lynn C.

### GRAFTON

Adams, Carl S.  
Christy, C. Dana  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Wadsworth, Karen O.

Bean, Pamela B.  
Driscoll, William J.  
Lougee, Richard W.  
Teschner, Douglass P.  
Ward, Kathleen W.

Brown, Channing T.  
Hill, Richard L.  
Markley, J. Keith  
Trelfa, Richard T.

### HILLSBOROUGH

Ahrens, Frederick G.  
Calawa, Leon, Jr.  
Daigle, Robert A.  
Dodge, Emma M.  
Fenton, James J.  
Fields, Dennis H.  
Greenglass, Alan B.

Alukonis, David J.  
Carpenter, Karen A.  
Daniels, Gary L.  
Drolet, Paul L.  
Ferguson, Charles  
Gosselin, Gerald O.  
Healy, Daniel J.

Andrews, Frederick B.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Goulet, Maurice E.  
Holden, Carol H.

Jasper, Shawn N.  
 Kurk, Neal M.  
 Lawrence, Eva M.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Paquette, Rodolphe G.  
 Record, Alice B.  
 Rodgers, G. Philip  
 Searles, Stanley N., Sr.  
 Upton, Barbara A.  
 Wheeler, Robert L.

Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lawrence, Norman B.  
 Mason, Howard F.  
 Mercer, Robert S.  
 Pepino, Leo P.  
 Rheault, Lillian I.  
 Rothhaus, Finlay C.  
 Tarpley-Bamberger, Nancy L.  
 Vanderlosk, Stanley R.  
 Wright, George W.

Kelley, Robert N.  
 Laughlin, J. Francis  
 Leclerc, Charles J.  
 McCann, Bonnie Lou  
 Murphy, Robert E.  
 Peters, Stanley W.  
 Riley, Frances L.  
 Sallada, Roland A.  
 Tate, Joan C.  
 Wheeler, David K.

### MERRIMACK

Asplund, Bronwyn L.  
 Christie, Thomas J.  
 Hill, Michael J.  
 Kidder, William F.  
 Nichols, Avis B.

Barberia, Richard A.  
 Hager, Elizabeth S.  
 Holmes, Mary C.  
 Lewis, Mary Ann  
 Stapleton, Henry F.

Chandler, Earle W.  
 Hayes, Robert C.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Stio, Peter M.

### ROCKINGHAM

Barnes, John S., Jr.  
 Bucu, Stephen W.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Ford, Bert H.  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 Melnick, Roy E.  
 Rubin, George R.  
 Simon, Peter M.  
 Syracuse, Anthony  
 Thayer, Leroy C.  
 Weyler, Kenneth L.

Benton, Richardson D.  
 Coffey, John J.  
 Cooke, Annette M.  
 Drake, Herbert R.  
 Flanagan, Natalie S.  
 Haynes, Richard  
 Katsakiores, George N.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Schmidtchen, Rowland H.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Woods, Deborah L.

Boucher, William P.  
 Connell, David R.  
 Cote, Patricia L.  
 Dube, LeRoy S.  
 Flanders, John W., Sr.  
 Hoelzel, Kathleen M.  
 Katsakiores, Phyllis  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Sytek, John J.  
 Welch, David A.

### STRAFFORD

Bickford, Drucilla  
 Frechette, Roland A.  
 Parks, Joe B.  
 Vincent, Francis C.

Brown, Julie M.  
 Martling, W. Kent  
 Torr, Ann M.  
 Young, John B.

Foss, Patricia H.  
 Nehring, William H.  
 Torr, Ralph W.

### SULLIVAN

Middleton, John A.  
 and the motion failed.  
 Report adopted.

Rodeschin, Beverly T.

Schotanus, Merle W.

**HB 1447-FN**, increasing witness fees for law enforcement officers. **OUGHT TO PASS.**

Rep. Robert A. Lockwood for Judiciary: There was considerable discussion over this bill. The arguments that prevailed were: 1. The bill would return police witness fees to the level they were before changes were made last year, without public hear-

ings to lower the fees. 2. There was a cost-shift from the state to the communities with last year's changes. 3. The quality of justice was suffering because fewer court procedures were being brought. Vote 10-5.

On a division vote, 169 members having voted in the affirmative and 120 in the negative, the report was adopted.

Referred to Appropriations.

**HB 1256-FN-A**, requiring the department of transportation to study the United States Route 3 and New Hampshire Route 11 transportation corridor and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John F. Weeks, Jr. for Public Works: This bill authorizes the Department of Transportation, with citizen participation from the communities involved, to study the US Route 3/NH Route 11 corridor in Franklin, Tilton, Northfield, Belmont and Laconia. The amendment deletes the appropriation therefore, and authorizes the use of ISTEA (Intermodal Surface Transportation Efficiency Act of 1991) and previously appropriated state matching funds for the study. The Committee unanimously supported this bill which was also supported by the New Hampshire Department of Transportation. Vote 17-0.

4612L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

requiring the department of transportation to study the United States Route 3 and New Hampshire Route 11 transportation corridor.

Amend the bill by replacing section 1 with the following:

1 United States Route 3 and New Hampshire Route 11 Study. The department of transportation shall participate in a \$250,000 cooperative, community-oriented planning study of the United States Route 3 and New Hampshire Route 11 transportation corridor serving the communities of Franklin, Tilton, Northfield, Sanbornton, Belmont and Laconia as authorized by 1989, 289:1. The costs of this study shall be paid from funds previously appropriated to the department of transportation. The study shall evaluate existing and anticipated land use and traffic flows, shall include citizen participation and inter-town consensus seeking and shall also involve other state and local agencies and businesses, resulting in a comprehensive transportation and planning study of the future needs of United States Route 3 and New Hampshire Route 11. The department of transportation and the Lakes Region Planning Commission shall provide staffing and overall direction and guidance emphasizing community participation and consensus building when developing proposed transportation improvements. The study shall include recommendations relative to improvement necessary to adequately address projected growth. The study shall also include United States Route 3 and New Hampshire Route 11 traffic models to better analyze traffic flow with different land use development and alternate roadway improvements, and conceptual improvement plans and identification of alternatives to ultimate reconstruction. The study shall also consider the needs and impact upon the towns of Meredith and Gilford, public transportation services and commuter parking lots. The report shall be submitted to the speaker of the house, senate president and governor on or before November 1, 1993.

Amend the bill by deleting section 3 and renumbering section 4 to read as 3.



## AMENDED ANALYSIS

This bill requires the department of transportation to study the United States Route 3 and New Hampshire Route 11 transportation corridor. Costs of the study shall be paid from funds previously appropriated to the department of transportation.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1261-FN-A**, requiring the department of transportation to conduct a study relative to the construction of certain portions of U.S. Route 3 and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John F. Weeks, Jr. for Public Works: This bill authorizes the Department of Transportation to conduct appropriate studies on US Route 3 in Hooksett and Pembroke, an area of heavy commercial development and high traffic. Some improvements have been completed by the town(s), using impact fees levied on recent commercial developments, but a coordinated approach is needed to achieve the needed improvements. The amendment deletes the appropriation therefore and substitutes funding from federal ISTEA (Intermodal Surface Transportation Efficiency Act of 1991) and previously appropriated state matching funds. This bill is supported by the New Hampshire Department of Transportation and unanimously endorsed by the Committee. Vote 17-0.

4828L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

requiring the department of transportation to conduct a study relative to the construction of certain portions of U.S. Route 3.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; United States Route 3 Study. Amend 1986, 203:4, I(o) by inserting after subparagraph (2) the following new subparagraph:

(3) An amount not to exceed \$225,000 for a study relative to a coordinated approach to the construction and reconstruction of the highways and bridges on the United States Route 3 corridor from the intersection of New Hampshire Route 28 and United States Route 3 south to the United States Route 3 intersection with I-93, considering both through and local traffic. The cost of this study shall be paid from funds previously appropriated to the department of transportation.

Amend the bill by deleting section 2 and renumbering sections 3 and 4 to read as 2 and 3.

## AMENDED ANALYSIS

This bill requires the department of transportation to conduct a study relative to a coordinated approach to the construction and reconstruction of certain portions of U.S. Route 3. Costs of the study shall be paid from funds previously appropriated to the department of transportation.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1493-A**, relative to the east-west highway study and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Roland A. Frechette for Public Works: The many public hearings and the evaluation and investigation of the concerns of the towns and the people affected makes an additional appropriation of \$995,000 and an extension of the completion date to March 31, 1993 necessary and worthwhile. The bill does not address any route but continues the process of evaluating all routes as well as environmental impacts. Vote 17-0.

4449L

### Amendment

Amend the bill by replacing all after section 1 with the following:

2 East-West Highway Study; Bonding Authority Increased. Amend 1986, 203:23, II as amended by 1988, 266:4 to read as follows:

II. To provide funds for the appropriations in section 8 and 8-b of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding [\$3,500,000] **\$4,495,000** and for said purpose may issue notes and bonds in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The funds derived from the notes and bonds issued pursuant to this paragraph which exceed [\$1,000,000] **\$1,995,000** shall be used to repay the highway surplus account for the funds authorized by the fiscal committee and governor and council pursuant to 1986, 203:8-b.

3 East-West Highway Study; Deadline Extended. Amend 1986, 203:8-a, as inserted by 1988, 266:2, as amended by 1990, 244:3 and 1991, 263:2 to read as follows:

203:8-a Deadline. The department of transportation shall complete the study authorized by 1986, 203:8 by March 31, [1992] **1993**.

4 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 1488-FN-A**, decreasing the telecommunications tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Ways and Means: Considering the current financial condition of the State of New Hampshire, reducing state revenues by \$22 million in FY '93 and \$7.3 million in each year thereafter would cause us to either raise taxes through some other means or reduce expenditures. At the present time, there does not appear to be sufficient support to pass either of these options, merely to reduce the telecommunications tax. Vote 12-2.

Rep. David Young spoke against.

### SPECIAL ORDER

Rep. Jasper moved that **HB 1488-FN-A**, decreasing the telecommunications tax, be made a special order for the first order of business on February 13.

Adopted.

### SPECIAL ORDERS

Without objection, the Speaker made all remaining bills special orders for February 13.

**RESOLUTION**

Rep. Ann Torr offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet February 13 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 1122**, establishing a committee to study all areas of apple cider standards, licensing and labeling.

**HB 1196**, clarifying the amount to be paid from the firemen's relief fund in the event of a claim.

**HB 1316-FN**, relative to hearings before the board of nursing.

**HB 1154**, relative to an exemption for the sale of hypodermic syringes for school use.

**HB 1219-FN**, relative to recovery of assistance under the medicaid program.

**HB 1163**, relative to a public employee's right to require that a nonpublic session under the right-to-know law be open to the public.

**HB 1283-FN**, authorizing the human rights commission to award compensatory damages, levy administrative fines and award attorney's fees.

**HB 1297**, establishing a committee to study the issue of protecting personal information.

**HB 1359**, relative to the confidentiality of police personnel files in criminal cases.

**HB 1440-FN**, relative to preparation of master jury lists by the department of safety from drivers' licenses lists.

**HB 1268**, relative to inspection and permit fees set by local legislative bodies.

**HB 1308**, relative to technical changes to the municipal charter laws.

**HB 1341-FN-L**, clarifying the terms "subsequent tax" and "registered" and "certified" mail for purposes of certain property tax laws.

**HB 1429**, relative to accounting for land use change tax funds.

**HB 1305**, permitting the carrying and selling of antique gun canes.

**HB 1228-FN-L**, allowing a city, town or village district to grant waivers from the requirement of connection to the public sewer systems for properties with adequate alternative sewage disposal systems.

**HB 1382**, requiring all sellers of property to fully disclose information relative to private water supplies and septic and sewage disposal systems.

**HB 1436**, relative to septic setbacks and terrain alteration permits.

**HB 1471-FN**, changing the penalties for theft of timber from another person's land or for altering the mark of any mill log belonging to another person.

**HB 1455-FN**, relative to motor vehicle laws, including suspension of wholesale motor vehicle dealer's registration, hanging disability placards, and other technical changes.

**HB 527-FN-A**, licensing speech-language pathologists and making an appropriation therefor.

**HB 1395-FN-A**, relative to soil conservation districts and making a supplemental appropriation therefor.

**HB 545**, reapportioning the executive council districts.

**HB 569**, to reapportion county commissioner districts.

**HB 1256-FN-A**, requiring the department of transportation to study the United States Route 3 and New Hampshire Route 11 transportation corridor.

**HB 1261-FN-A**, requiring the department of transportation to conduct a study relative to the construction of certain portions of U.S. Route 3.

The House adjourned at 4:50 p.m.



## HOUSE JOURNAL No. 10

Thursday, February 13, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O God of our beginnings, help us to live this day, to be fully alive and truly present to one another. Give us the ability to see familiar issues from new angles and to hear truth and insight in familiar voices. Give us the courage to speak with the authority of our hearts. And strengthen us, good Lord, to live this day as though it were the first of all our days. Amen.

Rep. Gordon Wiggin led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Hultgren, Senter, Patricia Cote, Weeks, Morse, Peyron, MacKinnon, Nancy Ford and Harry Flanders, the day, illness.

Reps. Stamatakis, Spencer, Kennison, Zaharchuk, Vaughn, David Flanders, Dwyer, Hawkinson, Markley, Parr, A. Gibb Dodge, Robert Jean, Gerard Desrosiers, Flint, Kincaid, McRae, Jeffrey Brown, Shackett, Asselin and Joyce Johnson, the day important business.

Reps. Accornero, Appleby, Harland and Hambrick, the day illness in the family.

### INTRODUCTION OF GUESTS

Former Rep. Nancy Frank, guest of Rep. L'Heureux. Sixth grade students of Kimball School in Concord and Mrs. Welch, guests of Rep. Burns. Sandra Jones, Mary Boucher and Heather Quinn, guests of Rep. Maviglio. Laurent Rapin, Consulate General of France at Boston, guest of Reps. Burns, Chambers, McGovern and Beverly Gage. Former Rep. Robert Raiche of Manchester, guest of Reps. Burns and Chambers.

### RESOLUTION

Reps. Gross and Chambers offered the following:

RESOLVED, that the House inform the Honorable Senate that the House is ready to meet in Joint Convention for the purpose of attending to remarks by Governor William Clinton of Arkansas.

Adopted.

### RECESS

### SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of hearing an address by Governor William Clinton of Arkansas.

### JOINT CONVENTION

(Speaker presiding)

### REMARKS

Governor William Clinton, Democratic Candidate for President, addressed the Joint Convention.

Sen. Delahunty and Rep. Ann Torr moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

**SPECIAL ORDERS**

**HB 1488-FN-A**, decreasing the telecommunications tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Ways and Means: Considering the current financial condition of the State of New Hampshire, reducing state revenues by \$22 million in FY '93 and \$7.3 million in each year thereafter would cause us to either raise taxes through some other means or reduce expenditures. At the present time, there does not appear to be sufficient support to pass either of these options, merely to reduce the telecommunications tax. Vote 12-2.

Rep. Walsh requested a quorum count.

The Speaker declared a quorum present.

Reps. Jacobson and Jasper spoke in favor.

Adopted.

**CACR 21**, relating to the operation of private business. Providing that the state shall not operate or participate in the operation of private business. **INEXPEDIENT TO LEGISLATE.**

Rep. Maurice E. Goulet for Executive Departments and Administration: The Committee had to balance the state's participation in the ski and liquor business (for example) against the revenue these operations produce. It was unanimously agreed that the transfer of state operations would not be beneficial to either the state or the taxpayers at this time. Vote 14-0.

Adopted.

**HB 1052**, relative to the appointment of the executive director of the fish and game department and allowing the governor to make more frequent appointments to the fish and game commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Merton S. Dyer for Executive Departments and Administration: The bill will permit the Governor to fill vacancies in the Fish and Game Commission for an unexpired term in the same manner as the original appointment. The Governor and Council shall appoint an Executive Director from a list of three or more names submitted to the Governor and Council by the Commission. The bill sets the term of office of the Executive Director at four years which is consistent with other appointments by the Governor. Vote 14-2.

4817L

**Amendment**

Amend RSA 206:8, I as inserted by section 2 of the bill by replacing it with the following:

1. The governor and council shall appoint an executive director of the fish and game department from a list of [5] **3 or more** names submitted to the governor and council by the commission, each of whom shall be a person with knowledge of, and experience in, the requirements for the protection, conservation and restoration of the wildlife resources of the state and who shall be a competent administrator. The executive director shall hold office for a term of [5] **4** years from the date of his appointment and until his successor is appointed and qualified. A vacancy in such office shall be filled for the unexpired term. The governor and council shall have the authority to remove the executive director at any time, but only for just cause pursuant to RSA 4:1. [In such case, the governor and council shall deliver to the executive director a copy of the charges against him and afford him an opportunity of being heard publicly in his own defense in person or by counsel after being given not less than 15 days'

notice.] The executive director shall not hold any other public office, and shall devote his entire time to the service of the state in the discharge of his official duties. He shall receive the compensation prescribed in RSA 94:1-4, and shall be reimbursed for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties. Before entering upon the duties of his office, he shall take the oath prescribed by the constitution, and shall, in addition thereto, swear that he holds no other public office nor any position under any political committee or party. Such oath shall be filed with the secretary of state. He shall have general supervision and control of all activities, functions and employees of the fish and game department, and shall enforce all the provisions of the laws of this state relating to fish, wildlife resources and marine species, and shall exercise all necessary powers incident thereto.

#### AMENDED ANALYSIS

This bill allows more than 2 members to be appointed to the fish and game commission each year.

This bill also requires the fish and game commission to submit a list of 3 or more names to the governor for the appointment as executive director of the fish and game department. Current law requires a list of 5 or more names.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1121-FN**, authorizing contracting for the operation of the impaired pharmacist program and funding the program from annual license renewal fees. OUGHT TO PASS.

Rep. Kathleen W. Ward for Executive Departments and Administration: This bill would permit the Board of Pharmacy to contract with various groups and organizations to operate an Impaired Pharmacist Program. This does not and is not intended to provide funds for treatment. This will not be a charge on the general fund as all Registered Pharmacists will contribute to the program through a charge on their registration above the required 125 percent level. Those that may need the service, will be paying for the service. Vote 11-3.

Adopted.

Ordered to third reading.

**HB 1161**, relative to the composition of the wetlands board. OUGHT TO PASS.

Rep. Sandra K. Dowd for Executive Departments and Administration: This bill adds one member to the Wetlands Board. The member shall be from the construction industry at the time of the appointment, and be nominated by the Governor. Vote 16-1.

Adopted.

Ordered to third reading.

**HB 1197-FN**, requiring the Pease development authority to submit to the state's competitive bidding requirements. REFER FOR INTERIM STUDY.

Rep. Lawrence A. Emerton for Executive Departments and Administration: The general feeling of the Committee, from the testimony of the sponsor and his thorough presentation, was that this legislation has merit. After considerable investigation, it was found that in order to write appropriate legislation, more work should be done. Vote 11-2.

Referred for Interim Study.

**HB 1311-FN**, regulating naturopathic health care practice. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.

Rep. Katherine W. Wheeler for Majority of Health, Human Services and Elderly Affairs: House Bill 1311 was voted Ought to Pass by a vote of 11-3. This bill provides for the licensure of naturopathic physicians and sets forth their scope of practice. A naturopathic physician is a general practitioner specializing in natural health care. They have successfully completed four years of postgraduate education at a college of naturopathy, of which there are two, at present, in the United States. Naturopathic medicine is an alternative method of treating disease and keeping people well, a method which more and more people in New Hampshire are choosing. To allow for freedom of choice in health care, to protect the quality of care for the people of New Hampshire, and to allow for disciplinary action, the overwhelming Majority of the Committee felt that licensure was needed now. Problems have already arisen with unqualified people in New Hampshire passing themselves off as naturopathic physicians; therefore the Majority of the Committee feels that the delay of Interim Study would allow for the possibility of even more problems and feel, further, that the bill as written addresses the issues that the national standards for this profession are well established.

Rep. Alice S. Ziegler for the Minority of Health, Human Services and Elderly Affairs: The people who call themselves naturopathic physicians have asked for licensure in New Hampshire. After an exhaustive hearing and executive session, the Minority still felt there was too much controversy in their education, diagnosing and treatment procedures. There are only eight or 10 naturopathic doctors practicing in this state at present. There was a question of creating a board for such a small number. Currently statistics do not indicate a need for licensure of naturopaths.

Rep. Katherine Wheeler moved that the words Refer for Interim Study, be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Referred for Interim Study.

**HB 1404-FN**, relative to mandatory testing for health care providers and certain patients for communicable diseases. INEXPEDIENT TO LEGISLATE.

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: At this time the Committee feels Senate Bill 410 best addresses the problem of mandatory testing of health providers for the HIV virus who might be accidentally exposed or unknowingly carry it. Primarily, the unknown time frame and the periodic testing expense creates a financial burden best expended for the enforcing of universal health precautions and AIDs education. A false sense of security also could be created. Vote 10-2.

Rep. David Wheeler moved that the words Ought to Pass, be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Warburton and Robert Foster spoke against and yielded to questions.

Rep. Copenhagen yielded to questions.

Roll call request not sufficiently seconded.

On a division vote, 35 members having voted in the affirmative and 283 in the negative, the motion failed.

Report adopted.



**HB 1476-FN**, exempting Trager practitioners from the New Hampshire massage therapy laws and requiring such practitioners to adhere to certain other requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Alice S. Ziegler for Health, Human Services and Elderly Affairs: Trager practitioners are a group who work gently with muscles to achieve relaxation and reduction of stress over tension. There are about six practitioners in New Hampshire now. The Committee felt that it was not necessary, at this time, to separate these body workers from the supervision of the massage therapy laws. Vote 9-2.

Adopted.

**HB 1309**, limiting the liability of landowners who allow their land to be used for outdoor educational purposes. **REFER FOR INTERIM STUDY**

Rep. Alice B. Record for Judiciary: This is another request for an extension of immunity. The Committee wants more time to study it, and to propose guidelines for regulation and protection of the public. Vote 11-6.

Referred for Interim Study.

**HB 1356**, establishing a study committee to examine possible methods within the existing court system to have land use cases heard by judges with expertise in land use issues. **INEXPEDIENT TO LEGISLATE**

Rep. Alf E. Jacobson for Judiciary: The Committee felt the need for a special study was not strong enough to enact. Under present court rules, special masters can be appointed to preside on specialized cases in law. Vote 13-3.

Adopted.

**HB 1480-FN**, requiring persons who default on court appearances for motor vehicle offenses to pay witness fees for law enforcement officers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alf E. Jacobson for Judiciary: This bill requires that a defendant who defaults because of non-appearance on a motor vehicle violation must pay the witness fee if there is a new trial. The amendment takes away the specific witness fee amount to "current witness fee." Vote 11-3.

4831L

### Amendment

Amend RSA 516:16-a as inserted by section 1 of the bill by replacing it with the following:

516:16-a Defaults; Witness Fees for Law Enforcement Officers. Any person who defaults on a scheduled court appearance on a motor vehicle offense shall be responsible for paying the current witness fee for any law enforcement officer required to attend such appearance, unless the court determines that such person is indigent.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1212**, reducing the number of public employees required to certify a bargaining unit. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Carl R. Johnson for the Majority of Labor, Industrial and Rehabilitative Services: The Majority of the Committee believes House Bill 1212 would be a mandate to cities and towns increasing their costs in labor negotiations. The PELRB has recently handed down decisions which have expanded the interpretation of community of in-

terest to include most employees who work for the municipality. If the number of 10 employees is reduced to five this year, next year the Committee could see a bill reducing the number to two. Vote 8-7.

Reps. Roy Melnick, Benjamin Baroody, Francis Laughlin, John Flanders, Donald Messier, Theresa Drabinowicz and Marie Hawkinson for the Minority of Labor, Industrial and Rehabilitative Services: At present in New Hampshire there is a forgotten disparaged minority of public employees prohibited from collective bargaining with their public employers, based exclusively on an arbitrary and capricious number of required employees, (10) set some 17 years ago. There is a need to revisit this number based on the strong support at the public hearing, recent by the Public Employees Labor Relations Board and New Hampshire Supreme Court decisions with regards to broadening the "Community of Interest" standards as a remedy to include otherwise excluded public employees, and additionally by the strong Minority vote of (7-8) Ought to Pass. The statement of Policy 1975 490:1, Eff. Dec. 21, 1975 provided: "The legislature declares that it is the policy of the State to foster harmonious and cooperative relations between public employers and their employees and to protect the public by encouraging the orderly and uninterrupted operation of government. This can be best achieved by: 1. Acknowledging the right of public employees to organize and be represented for the purpose of bargaining collectively with the State and or any political subdivision thereof, and with the university system." The Minority believes if this policy and rationale exists with regards to (10) employees then the same rationale should apply to (5) employees as well.

Adopted.

**HB 1190**, creating a committee to study ways to clarify the relationship between the legislative bodies and governing bodies in towns, school districts and village districts operating under the town meeting form of government with respect to budgetary matters. **OUGHT TO PASS**

Rep. Richard T. Trelfa for Municipal and County Government: The state has been plagued for years by uncertainty and ambiguity over the relationship between the local governing body and the voters with respect to budgetary matters. We believe study should be undertaken to clarify this vital relationship. Vote 13-0.

Rep. Salatiello spoke in favor.

Adopted.

Ordered to third reading.

**HB 1240**, establishing a committee to study criteria and propose legislation concerning the secession of a portion of a municipality. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard T. Trelfa for Municipal and County Government: The Municipal and County Government Committee spent close to a year intensively studying existing statutes and case history in connection with HB 762 on Weirs Beach secession from Laconia. Because of lack of statutory provisions, the committee established criteria specific to HB 762. The complexity of establishing these specific criteria leads the committee to recommend a study committee to address the broad issues. Vote 10-3.

4782L

#### Amendment

Amend section 1 of the bill by replacing the introductory paragraph with the following:

1 Committee Established. There is hereby established a committee to study and develop criteria and procedures under which the legislature may consider the secession of a portion of a municipality. The committee shall be composed of the following:

Amend paragraphs I-V of section 2 of the bill by replacing them with the following:

I. Constitutional issues.

II. Economic consideration, including assessed value.

III. Public utilities, including disposition of public property.

IV. Who should be allowed to vote on different aspects of the secession.

V. Criteria for justification of a petition for secession, including health, safety, welfare, and economic factors, political considerations and points of contention.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1492-A**, eliminating the capital appropriation for the demolition of the Walker building. **OUGHT TO PASS.**

Rep. Daniel P. McNerney for Public Works: The bill has considerable history. Last year House Bill 151 and House Bill 219 were combined into House Bill 219 calling for a study of the New Hampshire State Hospital campus for potential future use. Although it passed the House, the Senate was informed that the study would appear in the Capital Budget and the bill was consequently killed. Only demolition of the Walker Building at a cost of \$2.8 million was in the Capital Budget as pertains to the State Hospital. This was removed in Committee and the Capital Budget was approved by the House. The item was restored by the Senate in the amount of \$1.8 million and it survived the Committee of Conference. After prolonged debate largely centered on this item, the Capital Budget was narrowly passed by the House. Demolition of a viable building before study has been made puts the cart before the horse. There has probably been more mis-information concerning the Walker Building than on most issues coming before the Legislature. One bit concerns studying the building. A study was done in 1976 specifically to determine its suitability for a forensic unit, but it was a very limited study and not pertinent to office use. The building was in beneficial use until the activities were moved out in September 1991 and all maintenance was suspended. This is referred to in preservation jargon as demolition by neglect and is an irresponsible action. There has, as yet, been no explanation as to why the building should be demolished. The Committee of Conference report refers indirectly to the possible use of the area as a parking lot. If this is correct, it raises more problems, such as the fact that there is vacant space in abundance at the Hospital, and a parking garage similar to the new one at the Concord Hospital could be built at a lower cost than \$1.8 million. The intersection of Fruit, Pleasant and Warren Streets is terribly congested currently and a parking lot or garage near that intersection would further congest it. There was testimony at the public hearing from a wide spectrum; State employees, private, non-profit organizations having to do with historic resources, state chapter of the American Institute of Architecture, private citizens and more. Every witness except one testified in favor of the bill. Vote 14-2.

Adopted.

Ordered to third reading.

**HB 1400-FN**, relative to the comprehensive shoreland protection act. OUGHT TO PASS WITH AMENDMENT.

Reps. Howard C. Dickinson and Steven R. Maviglio for Resources, Recreation and Development: House Bill 1400 as amended, includes certain rivers in the Shoreline Protection Act which passed in the 1991 session. It was filed as a result of a study conducted during the past nine months. This bill sets minimum standards for development along the shoreline of the state's largest rivers, while exempting towns that have adopted ordinances equal to, or more stringent than, the provision of this act. Furthermore, any river, or segment thereof, designated under the Rivers Management and Protection Act, with a Local River Advisory Board in place, is also exempt (Swift, Saco, Pemigewasset and North Branch and sections of the Contoocook, Merrimack and Lamprey). The effective date of House Bill 1400 and House Bill 443 (1991) shall not occur, and the Commissioner of the Department of Environmental Services shall not activate the rulemaking process authorized under these acts, until the Commissioner has made implementation plan and the Legislature has approved the funding of such a plan. Vote 15-1.

4809L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Minimum Standards. Amend RSA 483-B:2, X to read as follows:

X. Conserve [shore] *shoreline* cover[,] and [visual as well as actual] points of access to inland and coastal waters.

2 New Paragraph; Minimum Standards. Amend RSA 483-B:2 by inserting after paragraph XV the following new paragraph:

XVI. Provide for economic development in proximity to waters.

3 Definition; Major Project. Amend RSA 483-B:4, IX to read as follows:

IX. "Major project" means a proposal which, upon full implementation, would create 4 or more *residential* dwelling units, or 10,000 square feet of interior floor space for any nonresidential purpose.

4 New Paragraph; Definition; Natural Mean High Water. Amend RSA 483-B:4 by inserting after paragraph X the following new paragraph:

X-a. "Natural mean high water level" means that line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial. For the purposes of this paragraph, "aquatic vegetation" includes but is not limited to water lily, pond lily, pickerel weed, cattail, sedges, rushes, and marsh grasses; and "terrestrial vegetation" includes but is not limited to upland grasses, aster, partridge berry, pines, cedars, willows, birchs, poplars, alders, and maples. In places where the shore or bank is of such character that the water level cannot be easily determined, such as rockslides, ledges, rapidly eroding or slumping banks, the natural mean high water level shall be estimated from the adjacent shoreline where it can be determined by the above method.

5 New Subparagraph; Public Waters; Rivers. Amend RSA 483-B:4, XVI by inserting after subparagraph (b) the following new subparagraph:

(c) Rivers, meaning all year round flowing waters of fourth order or higher, as shown on the now current version of the U.S. Geological Survey 7 1/2' topographic maps. Stream order shall be determined using the Strahler method, whereby the highest year



round streams in a watershed are first order streams, their juncture yields second order streams, the juncture of second order streams yields third order streams, et seq. A listing of the streams of fourth order and higher shall be prepared and maintained by the office of state planning and delivered to the commissioner 30 days after the effective date of this act.

6 Rivers Added to Definition of Public Boundary Line. Amend RSA 483-B:4, XVII(a) to read as follows:

(a) For natural fresh water bodies without artificial impoundments *and rivers*, the natural mean high water level [as determined by the division of water resources of the department].

7 Definition; Residential Unit. Amend RSA 483-B:4, XIX to read as follows:

XIX. "Residential unit" means a structure, *or portion thereof*, providing complete and independent living facilities [for one or more persons], including permanent facilities for living, sleeping, eating, cooking, and sanitation *which are used in common by one or more persons*.

8 Enforcement. Amend RSA 483-B:5, II to read as follows:

II. The commissioner or his designee may, *for cause*, enter upon any land or parcel at any reasonable time to perform oversight and enforcement duties provided for in this chapter.

9 Enforcement. Amend RSA 483-B:5, IV to read as follows:

IV. To encourage coordination of state and local enforcement measures, the commissioner shall notify, *at the time of issuance or filing*, the local governing body of enforcement action undertaken by the state in respect to protected shoreland within the municipality by sending it copies of relevant administrative orders issued and pleadings filed.

10 Prior Approval; Permits. Amend RSA 483-B:6 to read as follows:

483-B:6 Prior Approval; Permits. Each person intending to construct a new or expanded structure within the protected shoreland, or intending to engage in timber cutting for purposes other than forest management activities now subject to RSA 224:44-a, earth excavation, or any other activity which will alter the existing character of the protected shoreland, shall seek a shoreland development permit from the commissioner. Such person shall demonstrate to the satisfaction of the commissioner that the proposal meets or exceeds the development standards of this chapter. The commissioner shall grant, deny, or attach reasonable conditions to a permit requested under this chapter to protect the public waters or the public health, safety, or welfare. *Such conditions shall be related to the purposes of this chapter.*

11 New Paragraph; Municipal Authority. Amend RSA 483-B:8 by inserting after paragraph IV the following new paragraph:

V. Municipalities bordering the same water body are encouraged to employ jointly a single code enforcement officer to monitor compliance.

12 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, I to read as follows:

I. The standards in this section are designed to minimize shoreland disturbance so as to protect the public waters, while still accommodating reasonable levels of development in the protected shoreland. *Development outside the protected shoreland shall be subject to local ordinance only.*

13 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, II(c) to read as follows:

(c) [The construction of] A water dependent structure, meaning one which is a dock, wharf, pier, breakwater, or other similar structure, or any part thereof, built over, on, or in the waters of the state, shall be constructed only as approved by the wetlands board pursuant to RSA 482-A.

14 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, III and IV to read as follows:

III. Public water supply facilities, including water supply intakes, pipes, water treatment facilities, pump stations, and disinfection stations shall be permitted by the commissioner as necessary, consistent with the purposes of this chapter *and other state law*. Private water supply facilities shall not require a permit.

IV. The placement and expansion of public water and sewage treatment facilities shall be permitted by the commissioner as necessary, consistent with the purposes of this chapter *and other state law*.

*IV-a. Hydro electric facilities, including, but not limited to, dams, dikes, penstocks, and powerhouses, shall be recognized as water dependent, and shall be permitted by the commissioner as necessary, consistent with the purposes of this chapter and other state law.*

*IV-b. Public utility lines and associated structures and facilities shall be permitted by the commissioner as necessary, consistent with the purposes of this chapter and other state law.*

*IV-c. An existing solid waste facility which is located within 250 feet of the natural mean high water level of protected waters under this chapter may continue to operate under an existing permit, provided it does not cause degradation to an area in excess of that area under permit.*

15 Minimum Shoreland Protection Standards; Natural Woodland Buffer. Amend RSA 483-B:9, V(a)(2)(A) and (B) to read as follows:

(A) Not more than a maximum of 50 percent of the basal area of trees, and a maximum of 50 percent of the total number of saplings shall be removed for any purpose in a 20-year period *from the date of permit issued under this chapter*. A healthy, well-distributed stand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. *Replacement planting with native species may be permitted to maintain the 50 percent level.*

(B) *For the purpose of establishing the initial pre-project vegetative inventory*, any person proposing to remove any trees, saplings, shrubs, or ground cover from any lot within the natural woodland buffer shall document with photographs or videotape all of such existing plant types. [For the purpose of establishing the initial pre-project vegetative inventory on larger projects, whenever an alteration of terrain permit is determined to be necessary, a forest inventory plan shall be prepared by a professional forester licensed pursuant to RSA 310-A for all project lands located within 150 feet of the public boundary line.]

16 Septic Systems. Amend RSA 483-B:9, V(b)(1) and (2) to read as follows:

(1) All new lots, *including those in excess of 5 acres*, created within the protected shoreland are subject to subdivision approval by the division of water supply and pollution control, subsurface systems bureau under RSA 485-A:29[, regardless of size].

(2) The following conditions, based on the characteristics of the receiving soil as they relate to U.S. Department of Agriculture, soil conservation service drainage classes, shall dictate the setback requirements for all new septic tanks and leaching portions of new septic systems, as follows:

(A) *Adjacent to ponds, lakes, estuaries and the open oceans.*

(i) Where the receiving soil downgradient of the leaching portions of a septic system is a porous sand and gravel material with a percolation rate faster than 2 minutes per inch, the setback shall be at least 125 feet from the public boundary line;

[(B)] (ii) For soils with restrictive layers within 18 inches of the natural soil surface, the setback shall be at least 100 feet from the public boundary line; and

[(C)] (iii) For all other soil conditions, the setback shall be at least 75 feet from the public boundary line.

(B) *Adjacent to rivers the setback shall be no less than 75 feet, and may be greater if approved by the commissioner.*

17 Septic Systems. Amend RSA 483-B:9, V(d)(1) and (2) to read as follows:

(d) MINIMUM LOTS AND RESIDENTIAL DEVELOPMENT. In the protected shoreland:

(1) The minimum size for new lots in areas dependent upon on-site septic systems shall be determined by soil type lot size determinations, as [set forth under rules adopted pursuant to 541-A] *established by the water supply and pollution control division.*

(2) For [new lots] *projects* in areas dependent upon on-site *sewage and* septic systems, the total number of residential units[, including] *in the protected shoreland, whether built on individual lots or grouped as cluster* [and] *or* condominium development, shall not exceed one unit per 150 feet of shoreland frontage. *Development outside the protected shoreland shall conform to local zoning and shall not be subject to standards established in this chapter.*

18 Nonconforming Lots of Record. Amend RSA 483-B:10, II to read as follows:

II. *Building on* nonconforming lots of record shall [not be used for structures other than] *be limited to* single family residential structures *and related facilities*, including, but not limited to, docks, piers, boathouses, boat loading ramps, walkways, and other water dependent structures, *consistent with state law.*

19 Nonconforming Structures. Amend RSA 483-B:11, I to read as follows:

I. Except as otherwise prohibited by law, pre-existing structures located within the protected shoreland may be repaired, improved, or expanded. An expansion that increases the sewerage load, for example, additional bedrooms, shall require approval by the department. Between the primary building line and the public [building] *boundary* line, no alteration shall extend the structure closer to the public water, except that the addition of an open deck or porch is permitted up to a maximum of 12 feet towards the public boundary line.

20 Rulemaking. Amend RSA 483-B:17, II-IV to read as follows:

II. Procedures for filing and review of applications for shoreland development submitted to the department, *including time frames for decisions.*

III. Procedures for the issuance of permits by the department, *including time frames for decisions.*

IV. Procedures for filing and review of requests for urbanized shoreland exemptions and standards for granting urbanized shoreland exemptions, *including time frames for decisions.*

21 Rulemaking. Amend RSA 483-B:17, VII to read as follows:

VII. [Requiring reasonable proof] *Evidence* of ownership *or reasonable degrees of site control* of the shoreland parcel by the applicant, supplied either by the owner or his authorized [agency] *agent.*

22 Rulemaking. Amend RSA 483-B:17, IX to read as follows:

IX. [Establishing] A fee structure for the filing of applications with the department to review activities requiring a shoreland development permit that do not come under existing regulatory programs of the department. Such fees shall be sufficient to support the administration of the program, exclusive of start-up costs.

23 Shoreland Exemptions. Amend RSA 483-B:19, II to read as follows:

II. The provisions of this chapter shall not apply to:

(a) Any applicant whose land is in any municipality which adopts the model ordinance prepared by the office of state planning under paragraph I and provided to the commissioner, or a more stringent version of such model ordinance.

(b) *The shoreline of any river or segment designated by the commissioner and approved by the legislature for management and protection under RSA 483 and for which the commissioner has appointed a local river management advisory committee under RSA 483:8-a.*

24 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill makes technical changes to the shoreland protection act, as well as:

(a) Affording municipalities equitable relief relative to violations of the shoreland act.

(b) Amending rulemaking authority.

(c) Defining natural mean high water level.

(d) Exempting certain shoreline designated for rivers management and protection by the commissioner of environmental services and the legislature.

Adopted..

Report adopted.

Ordered to third reading.

**HB 602-FN-A**, reinstating the dental program for children and making an appropriation therefor.(A) INEXPEDIENT TO LEGISLATE.

Rep. Douglas E. Hall for Appropriations: The sum of \$120,000 for child dental hygiene services has been placed in HB 1025, the supplemental budget for FY 93. The wording from the purpose section of this bill has also been adapted for inclusion in HB 1025. This bill, therefore, is no longer required. Vote 19-0.

Rep. Douglas Hall yielded to questions.

Adopted.

**HB 1247-FN**, abolishing the office of commissioner of environmental services. INEXPEDIENT TO LEGISLATE.

Rep. William P. Boucher for Executive Departments and Administration: The public hearing heard only two people in support of the bill - the sponsors. The general feeling that the Subcommittee got was that the agency was reorganized two years ago and since the requested audit "in '89" the agency has made excellent progress in addressing and correcting the problems identified in the LBA audit — even to the point of inviting LBA back to take another look and to show compliance. There were 25 people that opposed the bill and an additional 20 people non-speaking in opposition involving mostly State and Local Environment Agencies. Vote 16-0.

Rep. Stacey Cole moved that the words Ought to Pass with Amendment, be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Ward yielded to questions.

Rep. Stacey Cole: I understand that based on a discussion we had yesterday afternoon, that under cover of a different bill, you will, or have, appoint a committee



which you will chair and you will include members of the Committee on Environment and Agriculture and the Committee on Resources, Recreation and Development as a Committee to take a good, hard look at this situation. Am I correct?

Rep. Ward: You are correct. Yesterday on the Consent Calendar we passed HB 1125 and that was to go to Interim Study and that is the Committee's choice. It was a unanimous vote that we would use that vehicle to look at some of the problems that are within that agency. We did not choose your bill because of the name of your bill is to abolish and the testimony that we took for three solid hours, outside of yourself and the other sponsor, Rep. Whittemore, we heard from planning boards and other agencies that the one thing that is very good about the umbrella which over the 4 former agencies and in the Commissioner's office is the permitting process and that was one of the main thrusts of pulling these four agencies together that were dealing with like subject matter and try to see if we couldn't stop the time and effort and expense of running from one to the other. So you're absolutely right, we will have a subcommittee, Rep. Boucher will serve on it because he is chairman of the subcommittee. We have already checked with Rep. Musler, he or his designee will work with us. We will be turning to the Speaker of the House to borrow these people. We did not ask for a joint committee because we have established a reputation that when we are dealing with certain subjects such as the two different policy committees you just mentioned, we ask those people to come in and we dialogue with them. So we are ready to go on a less volatile title, if you will, in HB 1125 which deals with agency violations and municipalities.

Rep. Stacey Cole withdrew his motion.

Report adopted.

**HB 1269-FN**, separating the AFDC standard of need from the AFDC payment standard. OUGHT TO PASS WITH AMENDMENT.

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: It was the unanimous opinion of the Committee that the public needs to be educated on the actual difference between what an AFDC recipient receives and what the actual cost of living is. In addition it requires the AFDC standard of need to be raised annually to reflect the cost of living increases for basic necessities. The payment standard and the AFDC eligibility will remain the same. This is really an honesty bill. Vote 13-0.

Rep. Lougee moved that the words Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

**(Rep. Michael Hill in the Chair)**

Reps. Julie Brown spoke against.

Rep. Parks spoke in favor.

Rep. Jasper spoke in favor and yielded to questions.

**(Speaker Burns in the Chair)**

Reps. Copenhaver and Katherine Wheeler spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 75****NAYS 248****YEAS 75  
BELKNAP**

Campbell, Richard H., Jr. Holbrook, Robert G.  
Rice, Thomas E. P., Jr. Rosen, Ralph J.

Johnson, Carl R.  
Vogler, Charles C.

**CARROLL**

Chandler, Gene G. Daly, Robert J., Jr.

**CHESHIRE**

Cole, Stacey W. Hogan, James B.  
Metzger, Katherine H. Mohr, Frederick C., Jr.

Laurent, John J.  
Pearson, Gertrude B.

**COOS**

Pratt, Leighton C.

**GRAFTON**

Hill, Richard L. Lougee, Richard W.  
Trelfa, Richard T.

Stewart, Roger D.

**HILLSBOROUGH**

Alukonis, David J. Andrews, Frederick B.  
Daniels, Gary L. Dodge, Emma M.  
Ferlan, Arthur P. Jasper, Shawn N.  
Kurk, Neal M. Lawrence, Norman B.  
Mercer, Robert S. Murphy, Robert E.  
Pepino, Leo P. Riley, Frances L.  
Rothhaus, Finlay C. Sallada, Roland A.  
Upton, Barbara A. Vanderlosk, Stanley R.  
Wright, George W.

Cook, Valerie S.  
Domaingue, Jacquelyn  
Keane, Cornelius J.  
Lefebvre, Roland J.  
Paquette, Rodolphe G.  
Rodgers, G. Philip  
Steiner, Lee Anne  
Wheeler, David K.

**MERRIMACK**

Boucher, Laurent J. Chandler, Earle W.  
Nichols, Avis B. Stapleton, Henry F.

Chandler, John P.

**ROCKINGHAM**

Boucher, William P. Campbell, Marilyn R.  
Dowd, Sandra K. Dube, LeRoy S.  
Gage, Beverly A. McKinney, Betsy  
Roulston, Donald L. Rubin, George R.  
Smith, Arthur W. Sytek, Donna P.  
Warburton, Calvin Welch, David A.

Chulack, Peter G., Sr.  
Ford, Bert H.  
Palazzo, Frank J.  
Schmidtchen, Rowland  
Sytek, John J.  
Wells, Henry E.

**STRAFFORD**

Corte, Arthur B. Flynn, Edward J.  
Marston, Robert E. Parks, Joe B.  
Young, John B.

Frechette, Roland A.  
Vincent, Francis C.

**SULLIVAN**

Middleton, John A.

### NAYS 248 BELKNAP

Bartlett, Gordon E.  
Golden, Paul A.  
Maviglio, Steven R.  
Turner, Robert H.

Cain, Thomas G.  
Hawkins, Robert S.  
Salatiello, Thomas B.  
Ziegra, Alice S.

Dewhirst, Glenn E.  
Joscelyn, William W.  
Shibley, Arnold P.

### CARROLL

Allard, Nanci A.  
Dickinson, Howard C.  
Wiggin, Allen R.

Beach, Mildred A.  
Foster, Robert W.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Saunders, Howard N.

### CHESHIRE

Burnham, Daniel M.  
Cole, Kenneth A.  
Feuer, Joseph N.  
Hunt, John B.  
Lynch, Margaret A.  
Riley, William A.

Champagne, Richard L.  
Crutchley, Donald O.  
Foster, Katherine D.  
Kingsbury, H. Thayer  
Perry, David M.  
Sawyer, Alfred P.

Clark, Eugene W.  
Doucette, Richard F.  
Grodin, Richard A.  
LaMar, David M.  
Pratt, Irene A.  
Young, David A.

### COOS

Brungot, Catherine V.  
Guay, Lawrence J.  
Mayhew, Josephine  
Theriault, Romeo J.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Merrill, Gerald P.

Coulombe, Henry W.  
Marsh, Beaton  
Oliver, Terry D.

### GRAFTON

Adams, Carl S.  
Brown, Patricia B.  
Copenhaver, Marion L.  
LaMott, Paul I.  
Nordgren, Sharon L.  
Wadsworth, Karen O.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Ward, Kathleen W.

Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
McIlwaine, Deborah P.  
Teschner, Douglass P.  
White, Paul R.

### HILLSBOROUGH

Ackerman, Philip M.  
Arnold, Barbara E.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Clemons, Jane A.  
Crotty, Edward J.  
Donovan, Francis X.  
Durham, Susan B.  
Emerton, Lawrence A.  
Gage, Ruth E.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Holden, Carol H.  
Johnson, Lionel W.  
King, Frank P.  
Larochelle, Roger B.

Ahrens, Frederick G.  
Baker, George H., Sr.  
Bowers, Dorothy C.  
Calawa, Leon, Jr.  
Cote, David E.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Ferguson, Charles  
Gagnon, Eugene L.  
Green, Scott E.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Janas, Gregory  
Kelley, Dana F.  
L'Heureux, Robert J.  
Laughlin, J. Francis

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Buckley, Raymond  
Carpenter, Karen A.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Drolet, Paul L.  
Elliott, Larry G.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Hall, Betty B.  
Healy, Walter F.  
Jean, Romeo W.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lawrence, Eva M.

Leclerc, Charles J.  
 Martin, Mary Ellen  
 McDowell, James E.  
 Moore, Elizabeth A.  
 Ouellette, Robert O.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Soucy, Donna M.  
 Tate, Joan C.  
 White, John M.

Lown, Elizabeth D.  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Nardi, Theodora P.  
 Packard, Bonnie B.  
 Reidy, Frank J.  
 Searles, Stanley N., Sr.  
 Stiles, Walter A.  
 Turgeon, Roland M.

Lozeau, Donnalee M.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Peters, Stanley W.  
 Rheault, Lillian I.  
 Smith, Leonard A.  
 Tarpley-Bamberger, Nar  
 Wheeler, Robert L.

### MERRIMACK

Apple, Lowell D.  
 Carter, Susan D.  
 Dunn, Miriam D.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, C. William  
 Lewis, Mary Ann  
 Molner, Mary E.  
 Wallner, Mary Jane

Asplund, Bronwyn L.  
 Christie, Thomas J.  
 Fair, Patricia A.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Whittemore, James A.

Barberia, Richard A.  
 Daneault, Gabriel J.  
 Feuerstein, Martin  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Letourneau, George E.  
 Millard, Elizabeth S.  
 Stio, Peter M.  
 Yeaton, Charles B.

### ROCKINGHAM

Barnes, John S., Jr.  
 Buco, Stephen W.  
 Clark, Martha Fuller  
 Dowling, Patricia A.  
 Greene, Elizabeth A.  
 Hurst, Sharleene P.  
 Johnson, Robert A.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Packard, Sherman A.  
 Rosencrantz, James R.  
 Simon, Peter M.  
 Terninko, Margaret B.

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Connell, David R.  
 Drake, Herbert R.  
 Griebisch, Linda  
 Hutchinson, Karen K.  
 Kane, Cecelia D.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McGovern, Cynthia A.  
 Pantelakos, Laura C.  
 Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Weyler, Kenneth L.

Benton, Richardson D.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 Flanagan, Natalie S.  
 Hoar, John, Jr.  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 Melnick, Roy E.  
 Raynowska, Bernard J.  
 Seward, Russell G.  
 Syracuse, Anthony  
 Woods, Deborah L.

### STRAFFORD

Bickford, Drucilla  
 Foss, Patricia H.  
 Jankowski, Peter M.  
 Martling, W. Kent  
 Messier, Donald R.  
 Pageotte, Donald P.  
 Torr, Ann M.  
 Wall, Janet G.

Brown, Julie M.  
 Gilmore, Gary R.  
 Keans, Sandra B.  
 McCann, William H., Jr.  
 Nehring, William H.  
 Pelley, Janet R.  
 Torr, Ralph W.  
 Wheeler, Katherine W.

Douglass, Clyde J.  
 Hashem, Elaine M.  
 Kinney, Paula J.  
 Merrill, Amanda A.  
 O'Brien, John  
 Sullivan, Henry P.  
 Tsiros, William



## SULLIVAN

Allison, David C.  
 Domini, Irene C.  
 Rodeschin, Beverly T.  
 and the motion lost.

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Schotanus, Merle W.

Burling, Peter Hoe  
 Porter, Robert H.  
 Walsh, Robert R.

4531L

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

separating the AFDC standard of need from the AFDC payment standards and increasing the AFDC standard of need.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this bill is to separate the standard of need from the payment standard in the aid to families with dependent children program (AFDC) and to raise the standard of need for AFDC to the level that reflects full need as determined by the committee established in 1989, 390:1. Under this bill, the AFDC payment standard and eligibility will remain the same.

2 Separation of AFDC Payment and Need Standard. Amend RSA 167:7, II to read as follows:

II. The director of the division of human services of the department of health and human services [may] *shall* establish for the aid to families with dependent children consolidated standards of need, or consolidated standards of need except for shelter, *which may be separate from the payment standards and which shall be annually revised to accurately reflect the current cost of basic necessities of living compatible with decency and health as determined by reliable market data. The director may further establish consolidated standards of payment, or consolidated standards of payment except for shelter,* subject to appropriated funds and applicable federal regulations.

3 Rulemaking for Payment Standards Added. Amend RSA 167:3-c, II to read as follows:

II. Consolidated standards of need [and], standards of need *and payment standards* under RSA 167:7, I, I-a, and II.

4 Effective Date. This act shall take effect 60 days after its passage.

## AMENDED ANALYSIS

This bill requires the director of the division of human services to separate the AFDC standard of need from the AFDC payment standard. In addition it requires the AFDC standard of need to be raised annually to reflect the cost of living increases for basic necessities. The AFDC payment standard and the AFDC eligibility will remain the same.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 601-FN-A**, establishing a public access advisory board and a statewide public boat access program on public waters and continually appropriating a special fund for the purposes of the program. OUGHT TO PASS WITH AMENDMENT.

Reps. Steven R. Maviglio and Peter Jankowski for Resources, Recreation and Development: Increasing public access to New Hampshire's lakes and rivers has been

discussed and studied for more than 32 years. House Bill 601 represents the work of both the Resources and Fish and Game Committees, a wide range of interest groups, and the Council on Resources and Development. The legislation establishes a funding mechanism, an oversight committee, and criteria for establishing public access sites. House Bill 601 is a top priority for New Hampshire boaters and sportspersons, as well as the Resources Committee. Vote 15-0.

44811L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a public water access advisory board and a statewide public boat access program and continually appropriating a special fund for the purposes of the program.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes the increase in demand for access to public waters for boating and other recreational uses. The purpose of this act is to establish an advisory board to coordinate state agency efforts relative to public access to public waters of the state and to provide for the acquisition, construction, refurbishment, maintenance and operation of new and existing public boat access areas.

2 New Chapter; Access to Public Waters. Amend RSA by inserting after chapter 233 the following new chapter:

#### **CHAPTER 233-A**

#### **ACCESS TO PUBLIC WATERS**

233-A:1 Definitions. In this chapter:

I. "Board" means public water access advisory board established under this chapter.

II. "Department" means the fish and game department.

III. "Public access" means legal passage to any of the public waters of the state by way of designated contiguous land owned or controlled by a state agency, assuring that all members of the public shall have access to and use of the public waters for recreational purposes, as defined in RSA 271:20-a, I.

IV. "Public boat access area" means an area adjacent to a public body of water which is owned or controlled by the state, accessible to the public, and has been designated by the fish and game department as a boat launching area under the statewide public boat access program.

V. "Public bodies of water" means public waters as defined in RSA 271:20 and any impoundment of a stream, lake, pond, or tidal or marine waters of 10 acres or more, or any other body of water owned by the state or by a state agency or department.

233-A:2 Public Water Access Advisory Board.

I. A public water access advisory board is hereby established. This board shall be composed of the following:

(a) The executive director of the fish and game department or designee.

(b) The commissioner of the department of resources and economic development, or designee.

(c) The commissioner of the department of environmental services, or designee.

- (d) The commissioner of the department of transportation or designee.
- (e) The commissioner of the department of safety, or designee.
- (f) The director of the office of state planning or designee.
- (g) Two members of the general public appointed by the governor and council for 3-year staggered terms, with one being designated as the chairperson.
- (h) One senator, from the wildlife and recreation committee, appointed by the president of the senate.
- (i) Two house members from the resources and recreation committee, appointed by the speaker of the house.

II. The duties of the board shall be to:

- (a) Advise and monitor state agency public access efforts including the statewide public boat access program.
- (b) Coordinate activities of state agency public water access efforts.
- (c) Serve as an advisory committee to the council on resources and development (CORD), alerting CORD to any potential problems which may inhibit state public water access efforts.
- (d) Review agency projects accomplishments at least annually.
- (e) Recommend to the fish and game department, priorities for the siting and development of public boat access areas, based on the demands and needs for different types of public boat access areas and public water bodies giving consideration to any lists provided to the board by any associated groups or interested parties.

III. The board shall meet at least quarterly, but more often if necessary. The members shall serve without compensation, except that legislative members of the committee shall receive mileage at the legislative rate.

Public Boat Access Program

233-A:3 New Hampshire Statewide Public Boat Access Program. A program for the development of public water access areas for boating on public bodies of water is established. The goal of the program is the acquisition, construction, refurbishment, maintenance, and operation of new and existing public boat access areas.

233-A:4 Fish and Game Department. The fish and game department shall carry out the statewide public boat access program. The department shall in cooperation with the board:

I. Establish priorities for the siting and development of public boat access areas, based on the demands and needs for different types of public boat access areas and public water bodies, giving consideration to any list provided by the board, any associated groups, or interested parties.

II. Set standards of design and maintenance for public boat access areas and ensure that these standards are met.

III. Coordinate activities of state agencies in the development of boat access to public bodies of water.

233-A:5 Public Boat Access Area Facilities. The facilities to be provided at public boat access areas on water bodies may include, but are not restricted to, boat launching ramps, launching sites where small boats or canoes may be placed in the water, trails leading to the water's edge, rest room facilities, parking, and such other types of facilities and amenities necessary to carry out the statewide public boat access program.

233-A:6 Design of Public Boat Access Areas. The fish and game department shall prepare plans and designs for public boat access areas and related facilities. The plans and designs shall provide for adequate buffer areas.

233-A:7 Acquisition and Retention. The fish and game department, in order to establish and improve public boat access areas, shall acquire and retain lands, easements, and interests or rights in land needed for the statewide public boat access program by donation, gift, purchase or lease, upon terms and conditions that are consistent with state and federal guidelines. All newly acquired, constructed or refurbished service roads included in the statewide public boat access program shall be laid out as limited access facilities under the provisions of RSA 230:45.

233-A:8 Construction of Public Boat Access Areas. The fish and game department shall supervise the construction, refurbishment, or expansion of public boat access areas. This construction may be done by the fish and game department, by other state agencies, or by private construction firms under contract to the fish and game department.

233-A:9 Maintenance and Operation of Public Boat Access Areas. The fish and game department shall provide for the continuing maintenance and operation of public boat access areas, roads, and related facilities, including trash removal and cleanup. Maintenance and operation activities may be done by the fish and game department, by other state agencies, or by private firms or individuals, under contract to the fish and game department, or by arrangement with local municipalities or organizations, as considered advisable by the department. Moneys necessary to defray the costs of such maintenance and operation shall be a charge against the statewide public boat access fund established pursuant to RSA 233-A:13.

233-A:10 Public Boat Access Reports and Hearings. The fish and game department shall, before starting any project in the statewide public boat access program, comply with all state and federal requirements. Public boat access needs that do not meet the criteria for the use of federal funds may be constructed, refurbished or expanded by use of private or donated funds. Upon receipt of such funds, the department shall deposit them in the statewide public boat access fund established pursuant to RSA 233-A:13. The fish and game department shall provide an annual report to the advisory board, the speaker of the house, the senate president and the governor.

233-A:11 Public Water Supply. No public boat access area shall be constructed to any public waters which serve as a municipal water supply without the approval of the department of environmental services.

233-A:12 Liability Limited. The fish and game department or any other political subdivision of the state shall not be liable for damages for bodily injury, personal injury, or water property damage occurring on any public boat access area.

233-A:13 Statewide Public Boat Access Fund Established. There is hereby established a nonlapsing statewide public boat access fund. The \$5 boat registration surcharge collected pursuant to RSA 270-E:5, II(d) and any other public access funds donated to the state shall be placed in this fund. All funds received under this section are continually appropriated to the fish and game department for the purposes of the statewide public boat access program established under this chapter.

233-A:14 Rulemaking. The executive director shall adopt rules, pursuant to RSA 541-A, relative to implementation of the statewide public boat access program.

3 New Subparagraph; Statewide Public Boat Access Fund. Amend RSA 6:12, I by inserting after subparagraph (uu) the following new subparagraph:



(vv) Moneys received under RSA 233-A:13 and RSA 270-E:5, II(d) which shall be credited to the statewide public boat access fund established in RSA 233-A:13.

#### 4 Allocation of Funds.

I. Expansion of the current department public boat access program shall be a charge against the statewide public boat access fund as follows:

	FY 1993
010 Personal services-permanent	\$133,604
020 Current expenses	9,201
050 Personal services-other	40,000
060 Benefits	41,945
070 In-state travel	250
Total	\$225,000

II. Funds allocated for classified personnel positions shall be utilized only when the executive director determines that additional personnel are needed to develop and expand the program. Otherwise, these funds shall be used to carry out the provisions of RSA 233-A, the statewide public boat access program.

5 Positions Authorized. The executive director of the fish and game department is authorized to establish the following classified positions for the statewide public boat access program established in section 2 of this act: one civil engineer III, labor grade 23; one biologist II, labor grade 22; one land agent, labor grade 21; one engineering technician IV, labor grade 18; and one construction foreman, labor grade 15.

6 New Paragraph; Council on Resources and Development. Amend RSA 162-C:2 by inserting after paragraph VII the following new paragraph:

VIII. Provide oversight relative to the statewide public boat access program, work with the public water access advisory board and provide recommendations to the governor and executive council regarding public access.

7 New Subparagraph; Boat Registrations; Public Access Surcharge. Amend RSA 270-E:5, II by inserting after subparagraph (c) the following new subparagraph:

(d) \$5 for each registration specified in paragraph I. The surcharge collected under this subparagraph shall be paid into the statewide public boat access fund established under RSA 233-A:13.

8 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill establishes a public water access advisory board and a statewide public boat access program, which is to develop public boat access and recreational access to public waters. The fish and game department is to carry out the program.

The bill establishes a nonlapsing statewide public boat access fund. The \$5 boat registration surcharge collected and any other public access funds donated to the state shall be placed in this fund. All funds are continually appropriated to the fish and game department for the purposes of the statewide public boat access program.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 1050-FN-L**, limiting outdoor advertising devices and increasing permit fees for maintaining outdoor advertising devices. OUGHT TO PASS WITH AMENDMENT.

Rep. Mary Ann Lewis for Resources, Recreation and Development: House Bill 1050 addresses the cutting of trees in front of billboards. The provisions of this sec-

tion allows for undesirable growth to be trimmed or removed by the Department of Transportation personnel or other agents acting for the department. Fines for illegal cutting are established under this section. The bill was filed at the request of the Governor and is similar to his bill which the House passed in 1991 and which was killed because of the Senate amendment. Vote 11-4.

4813L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Advertising Devices; Policy. Amend RSA 236:69 to read as follows:

236:69 Policy. It is hereby declared to be the policy of this state and in the public interest to provide for maximum visibility along the interstate system, federal aid primary system, and turnpike system, and connecting roads or highways; to prevent unreasonable distraction of operators [or] *of* motor vehicles; to prevent confusion with regard to traffic lights, signs or signals or other interference with the effectiveness of traffic regulations; to promote maximum safety, comfort and well-being of users of the interstate system, federal aid primary system, and turnpike system; to preserve and enhance the natural scenic beauty or the aesthetic features of the interstate system, federal aid primary system, turnpike system and adjacent areas; to [promote the reasonable, orderly and effective display of] *preserve and enhance property values and the development of business and cultural wealth; to reduce and remove* advertising devices along such systems[; and to regulate advertising devices along such systems] in a manner consistent with [customary use in] *the welfare of* this state. To implement this declared policy and cooperate with the United States government in the construction and maintenance of public highways in accordance with Title 23 United States Code as amended and supplemented, this subdivision provides for the regulation of advertising devices on the interstate and federal aid primary highway systems.

2 New Section; Declaration of Findings. Amend RSA 236 by inserting after section 69 the following new section:

236:69-a Declaration of Findings. The general court hereby finds and declares that:

I. Tourists are drawn to New Hampshire by its many scenic natural resources.

II. Many New Hampshire citizens earn their living from the tourist industry.

III. Scenic resources are of substantial economic and aesthetic value to the state and contribute substantially to the overall quality of its citizens' lives.

IV. The value of property, and the opportunity for business and cultural development are directly linked to scenic resources.

3 On-premise Sign; Restriction Clarified. Amend the introductory paragraph of RSA 236:70, II to read as follows:

II. The words "on-premise signs" shall mean advertising devices which are to be erected and maintained on property *solely* for the following purposes:

4 Nonconforming Sign; Definition Amended. Amend RSA 236:70, XVIII to read as follows:

XVIII. The words "nonconforming sign" shall mean any advertising device which was lawful when erected [and which complies with all sections of this subdivision except RSA 236:73 or 74] *and is maintained under permit as provided by RSA 236:72, except those advertising devices maintained under RSA 236:73, III, IV, V and V-a.*

5 Advertising Device License; Reference Removed. Amend RSA 236:71 to read as follows:

236:71 Licenses. No person shall [erect or] maintain more than 10 advertising devices in federal highway or turnpike adjacent areas other than such devices described in RSA 236:73, III, IV and V without first obtaining a license from the commissioner of transportation. The fee for such license shall be paid annually in advance. The fee for persons [erecting or] maintaining 50 or more advertising devices shall be \$150 and for persons [erecting or] maintaining less than 50 but more than 10 such devices, the fee shall be \$100. An application for a license or renewal of a license shall contain the name and residence or principal address of the applicant and such other reasonable information as the commissioner may from time to time require and shall be accompanied by the annual fee. Licenses granted under this section shall expire on April first following the date of issue, and fees therefor shall not be prorated. All applications for renewal of licenses shall be filed with the commissioner on or prior to March fifteenth preceding their expiration. Applications for a license or renewal of a license shall be granted except as otherwise provided in RSA 236:78. All fees collected hereunder shall be deposited in the highway fund.

6 New Section; Erection of Certain Advertising Devices Prohibited. Amend RSA 236 by inserting after section 71 the following new section:

236:71-a Erection of Certain Advertising Devices Prohibited. No advertising device, other than such device described in RSA 236:73, III, IV, V, V-a and VI, shall be erected in a federal highway or turnpike adjacent area.

7 Advertising Devices; Fees Increased; Reference Removed. Amend RSA 236:72 to read as follows:

236:72 Permits. No advertising device other than such a device described in RSA 236:73, III, IV and V shall be [erected or] maintained in a federal highway or turnpike adjacent area without a permit issued by the commissioner of transportation. Application for a permit or renewal of a permit shall contain the name and residence or principal business address of the applicant, the location of the device to be permitted and its size, excluding border and trim, base or apron, supports and other structural members, the number of faces carrying advertising, a signed statement of the owner of the property upon which the device to be permitted is [or will be] located that he has consented to such device, the amount of rental compensation being paid to the said owner, and such other reasonable information or requirements as the commissioner may require. However, on an application for renewal of a permit the commissioner may waive the requirement for furnishing a signed consent statement from the owner of the property on which the device is located. Permits shall expire on April 1 following the date of issue and fees shall not be prorated. Applications for renewal of a permit shall be filed prior to March 15 preceding expiration of the permit. Only one permit shall be required for double face or v-type devices, but fees shall be charged with respect to each face used for advertising. Advertising copy may be changed at any time without requiring a new permit. Applications for a permit or renewal of a permit shall be granted except as provided in RSA 236:78, and each application shall be accompanied by fees in accordance with the following schedule:

I. For sign faces of 50 square feet or less, \$50.

II. For sign faces of more than 50 square feet but less than 350 square feet, [\$75] **\$150.**

III. For sign faces of 350 square feet or more, [\$100] **\$200.** All fees collected hereunder shall be deposited in the highway fund.



8 Restrictions on Advertising; Reference Removed. Amend the introductory paragraph of RSA 236:73 to read as follows:

[After January 1, 1970,] No advertising devices shall be erected or maintained within a federal highway adjacent area [and after January 1, 1972, no advertising devices shall be erected or maintained] *or* within a turnpike adjacent area except the following:

9 On-premise Sign; Restriction Clarified. Amend the introductory paragraph of RSA 236:73, III to read as follows:

III. On premise signs which are to be erected and maintained on the property *solely* for the purpose of setting forth:

10 Advertising Device Regulation; References Removed. Amend RSA 236:74 to read as follows:

236:74 Regulation of Erection and Maintenance of Certain Advertising Devices. Subject to the provisions of RSA 236:71, 72 and 73 and except as otherwise provided in RSA 236:77, [after January 1, 1970, erection and] maintenance of advertising devices located in federal highway adjacent areas and [after January 1, 1972, erection and maintenance of advertising devices located in] turnpike adjacent areas, other than such devices permitted under RSA 236:73, III, IV [and], V and V-a shall be governed by the following provisions:

I. GENERAL. With respect to advertising devices located in federal highway or turnpike adjacent areas:

(a) No device may be [erected or] maintained that is inconsistent with the following:

(1) No sign may be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal or device.

(2) No sign may be permitted which prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(3) No lighting may be permitted to be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of the interstate, federal aid primary or turnpike highways, or is of such low intensity or brilliance as not to cause glare or not to impair the vision of the driver of any motor vehicle, or does not otherwise interfere with any driver's operation of a motor vehicle.

(4) No sign may be permitted to be erected or maintained upon trees, or painted or drawn upon rocks or other natural features, or upon utility poles.

(5) No sign may be permitted which is obsolete, not clean and in good repair, or that is not securely affixed to a substantial structure.

(b) An advertising device shall not be maintained without the attachment thereto of a weatherproof label, which label shall be provided by the commissioner of transportation, and shall contain the number of the permit.

(c) An advertising device shall not be maintained unless the name of the permittee appears legibly thereon. Whether a name appears legibly shall be determined by the commissioner of transportation in accordance with such standards as he may from time to time prescribe.

II. SIZE. With respect to advertising devices located in federal highway or turnpike adjacent areas or in view of any interstate, federal aid primary or turnpike highway:



(a) Advertising devices may be [erected] *maintained* with, but only with, an area not exceeding 750 square feet and with a maximum height of 20 feet and a maximum length of 50 feet, excluding border and trim, base or apron, supports and other structural members; provided that the commissioner shall permit the maintenance of devices of larger size if lawfully erected prior to the effective date of this subdivision and otherwise permitted by the provisions of this subdivision.

(b) The maximum size limitations shall apply to each facing. Two advertising devices not exceeding 350 square feet each may be [erected] *maintained* in a facing.

(c) Farm signs maintained under RSA 236:73, [VI] V-a may be [erected] *maintained* with an area not exceeding 48 square feet and with a maximum height of 8 feet and maximum length of 12 feet, excluding border and trim, base or apron, supports, and other structural members; provided that the maximum size limitation shall apply to each facing. Two farm signs not exceeding 24 square feet each may be erected in a facing.

III. LIGHTING. Advertising devices located in federal highway or turnpike adjacent areas may be lighted, subject only to such restriction with respect to devices [to be erected] as may from time to time be prescribed by the commissioner.

IV. LOCATION. With respect to advertising devices located in federal highway or turnpike adjacent areas:

(a) Advertising devices shall not be [erected or] maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic, as determined by the commissioner.

(b) Required spacing for advertising devices to be [erected or] maintained on one side of an interstate, turnpike or limited access federal aid primary highway shall be not less than 500 feet provided, however, that such spacing shall not apply to devices which are separated by a building or other obstruction in such manner that only one such device is visible from such highway at any one time.

(c) No advertising device may be [erected] *maintained* with respect to an interstate, limited access federal aid primary, or turnpike highway within 500 feet of an interchange or safety rest area [located on the same side of the highway on which such sign might otherwise be erected]. For purposes of RSA 236:74, IV(c) such distance of 500 feet shall be measured along the edge of the main traveled way of any such highway from the point of beginning or ending of pavement widening with respect to an exit from, or an entrance to, such main traveled way, to or from an interchange or a safety rest area, provided, however, that with respect to an interchange which consists of an entrance or an exit only, such distance shall be measured from the center line of the highway intersected by any such highway in the direction from such interchange in which there is no entrance or exit, as the case may be.

(d) Required spacing for advertising devices to be [erected or] maintained on one side of a nonlimited access federal aid primary highway in municipalities of 4,000 population or more shall be:

(1) One hundred feet where the distance between center lines of 2 highways intersecting any such highway is less than 1,000 feet provided that not more than 3 devices shall be [erected or] maintained between such intersecting highways; and

(2) Three hundred feet where the distance between center lines of intersecting highways is 1,000 feet or more.

(e) Required spacing for advertising devices to be [erected or] maintained on both sides of a nonlimited access federal aid primary highway in municipalities of less than 4,000 population shall be 300 feet.

(f) In this paragraph, the following shall apply: Back-to-back advertising devices, devices erected on a v-type structure, and 2 devices erected in a single facing shall be considered one advertising device. The word "highways" or the words "intersecting highways" shall not include alleys, undeveloped rights-of-way, private ways or driveways. Distances [be erected, or distances to such devices,] *from or to advertising devices and other points of control* shall be measured along the edge (nearest to any such devices or any locations in which such devices are able to be [erected] *maintained*) of the main traveled way of an interstate, federal aid primary or turnpike highway from or to points on such edge directly opposite such devices or locations. Advertising devices permitted under RSA 236:73, III, IV, and V shall not be considered advertising devices for purposes of any measurement or determination made under this paragraph, or for purposes of any other requirements of this paragraph. Advertising devices permitted under RSA 236:73, V-a shall not be considered advertising devices for purposes of any measurement or determination made under subparagraph (b), (d), or (e), but for such advertising devices to be erected or maintained on both sides of a federal aid primary highway, the required spacing shall be 1,000 feet.

(g) Farm signs to be erected or maintained under RSA 236:73, V-a shall be located not farther than 10 miles from the property where the advertised activities are located.

11 New Section; Cutting of Vegetation Prohibited. Amend RSA 236 by inserting after section 75 the following new section:

236:75-a Cutting of Vegetation Prohibited. It shall be unlawful to cut, remove or inhibit the growth of trees or other vegetation within a state-owned highway right of way for the purpose of providing or enhancing the view of an outdoor advertising device or any other activity adjacent to the highway, or for any other reason. In addition to the fines provided by RSA 539:1, any person who violates the provisions of this section shall be liable for penalties as follows: for each stem cut up to 3 inches in caliper, as measured along the maximum dimension of caliper at the level of cutting, the fine shall be \$3,000; for each stem cut that is greater than 3 inches in caliper, for each additional inch of caliper or fraction thereof, as measured along the maximum dimension of caliper at the level of cutting, the fine shall be \$500; and such court costs as may be assessed. Notwithstanding the provisions of this section, undesirable growth may be trimmed or removed by department personnel or other agents acting for the department in keeping with best highway maintenance and silvicultural practices as determined by the commissioner of transportation. All fines collected hereunder shall be deposited in the highway fund.

12 Repeal. RSA 236:73, I and II, relative to restriction of advertising, are repealed.

13 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill prohibits the erection of outdoor advertising devices within federal, primary and turnpike adjacent areas unless they are on premise signs, or directional, informational, official, political or farm signs.

This bill also increases the permit fees for maintaining certain outdoor advertising devices.

This bill also prohibits the cutting, removal or inhibition of growth of trees on state-owned highway rights of way.

This bill is a request of the office of the governor.

Rep. Raymond Buckley moved that the bill be Recommitted to Committee.

Reps. Dickinson and Lewis spoke against.

Reps. Rosen and Salatiello spoke in favor.

Rep. LaMott spoke in favor and yielded to questions.

Rep. Salatiello spoke a second time.

On a division vote, 160 members having voted in the affirmative and 159 in the negative, the Speaker voted Nay which tied the vote and the motion lost.

The question now being the adoption of the Committee amendment.

Roll call request sufficiently seconded.

**YEAS 167****NAYS 150****YEAS 167****BELKNAP**

Bartlett, Gordon E.  
Golden, Paul A.  
Maviglio, Steven R.  
Vogler, Charles C.

Cain, Thomas G.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Gordon E.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Bradley, Jeb E.  
Dickinson, Howard C.  
Wiggin, Allen R.

**CHESHIRE**

Burnham, Daniel M.  
Feuer, Joseph N.  
Hunt, John B.  
Metzger, Katherine H.  
Young, David A.

Cole, Stacey W.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.

Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Sawyer, Alfred P.

**COOS**

Buckley, C. Fitzgerald  
Marsh, Beaton  
Pratt, Leighton C.

Coulombe, Henry W.  
Mayhew, Josephine

Horton, Lynn C.  
Oliver, Terry D.

**GRAFTON**

Bean, Pamela B.  
Driscoll, William J.  
Nielsen, Niels F., Jr.  
Wadsworth, Karen O.

Brown, Channing T.  
Hill, Richard L.  
Scanlan, David M.

Christy, C. Dana  
McIlwaine, Deborah P.  
Teschner, Douglass P.

**HILLSBOROUGH**

Alukonis, David J.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Domaingue, Jacquelyn M.  
Gagnon, Eugene L.  
Hanselman, Gregory L.

Amidon, Eleanor H.  
Clemons, Jane A.  
Daigle, Robert A.  
Durham, Susan B.  
Haettenschwiller, Alphonse  
Healy, Daniel J.

Arnold, Barbara E.  
Cook, Valerie S.  
Desrosiers, William J.  
Emerton, Lawrence A.  
Hall, Betty B.  
Kelley, Robert N.

Kurk, Neal M.  
 Martin, Mary Ellen  
 Mercer, Robert S.  
 Record, Alice B.  
 Sallada, Roland A.  
 Tarpley-Bamberger, Nancy L.

L'Heureux, Robert J.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 Rheault, Lillian I.  
 Searles, Stanley N., Sr.  
 Tate, Joan C.

Lozeau, Donnalee M.  
 McNerney, Daniel P.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Smith, Leonard A.

### MERRIMACK

Apple, Lowell D.  
 Carter, Susan D.  
 Feuerstein, Martin  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Lewis, Mary Ann  
 Molner, Mary E.

Barberia, Richard A.  
 Chandler, John P.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Stio, Peter M.

Boucher, Laurent J.  
 Fair, Patricia A.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Kidder, William F.  
 Millard, Elizabeth S.  
 Whittemore, James A.

### ROCKINGHAM

Benton, Richardson D.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 Ford, Bert H.  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 Melnick, Roy E.  
 Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Terninko, Margaret B.  
 Woods, Deborah L.

Boucher, William P.  
 Clark, Martha Fuller  
 Dowd, Sandra K.  
 Greene, Elizabeth A.  
 Hynes, Carolyn E.  
 Katsakiores, Phyllis  
 Magoon, Harold F.  
 Roulston, Donald L.  
 Seward, Russell G.  
 Syracuse, Anthony  
 Welch, David A.

Campbell, Marilyn R.  
 Connell, David R.  
 Drake, Herbert R.  
 Hoar, John, Jr.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 Rubin, George R.  
 Simon, Peter M.  
 Sytek, John J.  
 Wells, Henry E.

### STRAFFORD

Bickford, Drucilla  
 Douglass, Clyde J.  
 Frechette, Roland A.  
 Kinney, Paula J.  
 Musler, George T.  
 Pageotte, Donald P.  
 Torr, Ann M.

Brown, Julie M.  
 Flynn, Edward J.  
 Gilmore, Gary R.  
 Marston, Robert E.  
 Nehring, William H.  
 Parks, Joe B.  
 Young, John B.

Corte, Arthur B.  
 Foss, Patricia H.  
 Jankowski, Peter M.  
 Martling, W. Kent  
 O'Brien, John  
 Sullivan, Henry P.

### SULLIVAN

Allison, David C.  
 Walsh, Robert R.

Krueger, Richard H.

Lindblade, Eric N.

### NAYS 150 BELKNAP

Dewhirst, Glenn E.  
 Rosen, Ralph J.  
 Ziegler, Alice S.

Johnson, Carl R.  
 Salatiello, Thomas B.

Joscelyn, William W.  
 Shibley, Arnold P.

### CARROLL

None



**CHESHIRE**

Champagne, Richard L.  
Doucette, Richard F.  
Mohr, Frederick C., Jr.  
Riley, William A.

Clark, Eugene W.  
LaMar, David M.  
Perry, David M.

Cole, Kenneth A.  
Lynch, Margaret A.  
Pratt, Irene A.

**COOS**

Brungot, Catherine V.  
Therault, Romeo J.

Guay, Lawrence J.

Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Trelfa, Richard T.

Brown, Patricia B.  
Guest, Robert H.  
Lougee, Richard W.  
White, Paul R.

Chambers, Mary P.  
LaMott, Paul I.  
Stewart, Roger D.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baker, George H., Sr.  
Bowers, Dorothy C.  
Carpenter, Karen A.  
Daniels, Gary L.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Holden, Carol H.  
Jean, Romeo W.  
Kelley, Dana F.  
Laughlin, J. Francis  
Leclerc, Charles J.  
McDowell, James E.  
Nardi, Theodora P.  
Packard, Bonnie B.  
Reidy, Frank J.  
Soucy, Donna M.  
Turgeon, Roland M.  
Wheeler, David K.  
Wright, George W.

Ahrens, Frederick G.  
Baldizar, Barbara J.  
Buckley, Raymond  
Cote, David E.  
Dodge, Emma M.  
Drolet, Paul L.  
Fenton, James J.  
Fields, Dennis H.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.  
Janas, Gregory  
Johnson, Lionel W.  
King, Frank P.  
Lawrence, Eva M.  
Lefebvre, Roland J.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Paquette, Rodolphe G.  
Riley, Frances L.  
Steiner, Lee Anne  
Upton, Barbara A.  
Wheeler, Robert L.

Andrews, Frederick B.  
Baroody, Benjamin C.  
Burke, Stephen J.  
Crotty, Edward J.  
Donovan, Francis X.  
Dyer, Merton S.  
Ferguson, Charles  
Gage, Ruth E.  
Green, Scott E.  
Healy, Walter F.  
Jasper, Shawn N.  
Keane, Cornelius J.  
Laroche, Roger B.  
Lawrence, Norman B.  
Lown, Elizabeth D.  
Murphy, Robert E.  
Ouellette, Robert O.  
Pepino, Leo P.  
Rodgers, G. Philip  
Stiles, Walter A.  
Vanderlosk, Stanley R.  
White, John M.

**MERRIMACK**

Asplund, Bronwyn L.  
Daneault, Gabriel J.  
Nichols, Avis B.  
Wallner, Mary Jane

Chandler, Earle W.  
Dunn, Miriam D.  
Smith, Gerald R.  
Yeaton, Charles B.

Christie, Thomas J.  
Letourneau, George E.  
Stapleton, Henry F.

**ROCKINGHAM**

Barnes, John S., Jr.  
Dowling, Patricia A.  
Gage, Beverly A.  
Johnson, Robert A.

Bell, Juanita L.  
Dube, LeRoy S.  
Griebsch, Linda  
Klemarczyk, Thaddeus E.

Buco, Stephen W.  
Flanagan, Natalie S.  
Hutchinson, Karen K.  
McGovern, Cynthia A.

McKinney, Betsy  
Raynowska, Bernard J.  
Smith, Arthur W.  
Weyler, Kenneth L.

Packard, Sherman A.  
Rosencrantz, James R.  
Sytek, Donna P.

Pantelakos, Laura C.  
Schmidtchen, Rowland H.  
Warburton, Calvin

### STRAFFORD

Hashem, Elaine M.  
Merrill, Amanda A.  
Torr, Ralph W.  
Wall, Janet G.

Keans, Sandra B.  
Messier, Donald R.  
Tsiros, William  
Wheeler, Katherine W.

McCann, William H., Jr.  
Pelley, Janet R.  
Vincent, Francis C.

### SULLIVAN

Behrens, Thomas A.  
Middleton, John A.  
Schotanus, Merle W.

Burling, Peter Hoe  
Porter, Robert H.

Domini, Irene C.  
Rodeschin, Beverly T.

and the amendment was adopted.

Reps. Dickinson and Rosen offered a floor amendment.

4999L

### Floor Amendment

Amend the bill by inserting after section 11 the following and renumbering the original sections 12 and 13 to read as 13 and 14.

12 Outdoor Advertising; Removal Penalty. Amend RSA 236:81 to read as follows: 236:81 Penalty.

I. Whoever erects or maintains an advertising device in violation of the provisions hereof and required to be removed shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

**II. If any person, including a public officer or official or a person acting under his direction or order, removes a lawfully erected and maintained advertising device, such person may be assessed a \$5,000 fine and shall be liable for reasonable attorney's fees and the cost for restoring the advertising device.**

### AMENDED ANALYSIS

This bill prohibits the erection of outdoor advertising devices within federal, primary and turnpike adjacent areas unless they are on premise signs, or directional, informational, official, political or farm signs.

This bill increases the permit fees for maintaining certain outdoor advertising devices.

This bill prohibits the cutting, removal or inhibition of growth of trees on state-owned highway rights of way.

This bill also penalizes any person, including public officials, who remove a lawfully erected and maintained advertising device.

Rep. Dickinson spoke in favor and yielded to questions.

On a division vote, 225 members having voted in the affirmative and 90 in the negative, the floor amendment was adopted.

Report adopted.

Ordered to third reading.

### SENATE MESSAGE

### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 1053-A**, relative to state revenues and expenditures. (Amendment printed SJ 6, 02/13/92)

Rep. Hager moved that the House concur and spoke to her motion.  
Adopted.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet February 19 at 1:00 p.m..

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 1052**, relative to the appointment of the executive director of the fish and game department and allowing the governor to make more frequent appointments to the fish and game commission.

**HB 1121-FN**, authorizing contracting for the operation of the impaired pharmacist program and funding the program from annual license renewal fees.

**HB 1161**, relative to the composition of the wetlands board.

**HB 1480-FN**, requiring persons who default on court appearances for motor vehicle offenses to pay witness fees for law enforcement officers.

**HB 1190**, creating a committee to study ways to clarify the relationship between the legislative bodies and governing bodies in towns, school districts and village districts operating under the town meeting form of government with respect to budgetary matters.

**HB 1240**, establishing a committee to study criteria and propose legislation concerning the secession of a portion of a municipality.

**HB 1492-A**, eliminating the capital appropriation for the demolition of the Walker building.

**HB 1400-FN**, relative to the comprehensive shoreland protection act.

**HB 1050-FN-L**, limiting outdoor advertising devices and increasing permit fees for maintaining outdoor advertising devices.

### UNANIMOUS CONSENT

Reps. McNerney and Nardi addressed the House by unanimous consent.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolled bills reports only.

Adopted.

The House recessed at 4:40 p.m.

### RECESS

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 303, 318, 323, 331, 333, 346, 350, 353, 356, 359, 360, 361, 370, 375, 377, 382, 386, 392, 396, 398, 401, 407, 410, 413, 425, 426, 430 and 433, Senate Concurrent Resolution number 11 and Senate Joint Resolution 1, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading referral**

**SB 303**, establishing a committee to study the various options available to fund and deliver medical benefits for state employees and relative to the funding methodology of the retirement system. (Executive Departments and Administration)

**SB 318-LOCAL**, relative to fire protection areas within the town of Litchfield. (Municipal and County Government)

**SB 323**, establishing a committee to study the issue of physician self-referrals. (Health, Human Services and Elderly Affairs)

**SB 331**, relative to gender equity in athletics. (Education)

**SB 333**, relative to a Piscataqua River basin council. (Resources, Recreation and Development)

**SB 346**, relative to certain restraining orders and requiring arrest for certain violations of such restraining orders. (Judiciary)

**SB 350**, expanding the membership of the task force on mental health and criminal justice and continuing the study of the interactions between the mental health and criminal justice systems. (Judiciary)

**SB 353**, relative to copying recordings. (Judiciary)

**SB 356**, relative to quality assurance records in nursing homes and health maintenance organizations. (Health, Human Services and Elderly Affairs)

**SB 359**, relative to expending moneys by the OHRV bureau for trail maintenance expenses. (Fish and Game)

**SB 360**, establishing a committee to study head injury cases in New Hampshire. (Health, Human Services and Elderly Affairs)

**SB 361**, relative to the impact fee laws. (Municipal and County Government)

**SB 370**, relative to health insurance coverage for scalp hair prostheses. (Commerce, Small Business and Consumer Affairs)

**SB 375**, allowing the division of parks and recreation to give rewards for information leading to the recovery of stolen division property. (Resources, Recreation and Development)

**SB 377-FN**, relative to penalties for mortgage brokers who fail to file annual reports. (Commerce, Small Business and Consumer Affairs)

**SB 382**, establishing a study committee on the selection, nomination and confirmation of judicial appointees. (Judiciary)

**SB 386-FN**, relative to the publications, specialty items and fund raising revolving fund of the fish and game department and authorizing certain fund raising by the department. (Fish and Game)

**SB 392**, relative to guardians ad litem. (Children, Youth and Juvenile Justice)

**SB 396**, relative to motor vehicles and defaults on court fines and taxes. (Judiciary)

**SB 398**, permitting the sale of red deer and elk venison. (Fish and Game)

**SB 401**, removing the exemption from jury service for physicians and surgeons. (Health, Human Services and Elderly Affairs)

**SB 407-FN**, relative to the acceptance of credit cards for motor vehicle related offenses by clerks of court and bail commissioners. (Executive Departments and Administration)

**SB 410**, relative to AIDS. (Health, Human Services and Elderly Affairs)

**SB 413-FN**, allowing nonprofit organizations to use informational signs on certain highways. (Resources, Recreation and Development)



**SB 425-FN-L**, relative to statement of expenses for costs incurred for response to forest and brush fires. (Resources, Recreation and Development)

**SB 426-FN**, establishing a task force to develop a strategy to train police and prosecutors to successfully prevent, investigate and prosecute sexual assault cases. (Judiciary)

**SB 430**, relative to the establishment of regional offices for the vocational rehabilitation division. (Executive Departments and Administration)

**SB 433-FN**, relative to the registration and equipment standards of motor vehicles known as street rods. (Transportation)

**SCR 11**, encouraging the U.S. Congress and the President of the United States to consider the economic impact of federal laws and legislation on states. (Economic Development)

**SJR 1-FN-A**, requiring the department of education to develop a computer education program for public schools. (Education)

Rep. Ralph Torr moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 11

Wednesday, February 19, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

Good and gracious God, let us see the world through Your eyes, and hear the questions You are asking. Give us the grace to welcome each other with Your trust and truth, and the strength to change the things that contradict Your love. Amen.

Rep. Gerald Smith led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Irene Pratt, Parr, Lovejoy, Mayhew, Hurst, Stewart, Joyce Johnson, Fenton, Senter, Domini, Kinney, MacKinnon, Walsh and Bourque, the day, illness.

Reps. Spencer, Flint, Kincaid, Jeffrey Brown, Stapleton, Carter, Melnick, Ferguson, Rodgers, David Dow, Asselin, Hynes, William McCann, Rheault, Hashem, Burnham, Bucu and Stamatakis, the day, important business.

Rep. Eva Lawrence, the day, death in the family.

Reps. Appleby and Doucette, the day, illness in the family.

### INTRODUCTION OF GUESTS

Tonya Miller, guest of Rep. Thayer. David Jean, son of Rep. Robert Jean. John Kifonides, guest of Rep. Tsiros. Arthur Johnson, 1992 Teacher of the Year from Hudson, guest of the Hudson Delegation and the Committee on Education.

### ENROLLED BILLS REPORT

**HB 1053-A**, relative to state revenues and expenditures.

Rep. Miriam Dunn for the Committee

### SENATE MESSAGE

#### REQUESTS CONCURRENCE

**SB 313**, relative to gender balance on boards and commissions.

**SB 316**, establishing a committee to study cable television rates and the possibility of introducing competition into the marketplace in order to lower rates.

**SB 340-FN**, clarifying the definition of a school district.

**SB 357-FN**, prohibiting licensure by any state agency or board where an outstanding court default or bench warrant has been issued and making license application fees non-refundable.

**SB 362**, redefining proprietary medicines to include nonprescription medicines and exempting non-pharmacy retail stores and outlets from classification as pharmacies for the purpose of RSA 318.

**SB 371**, establishing a committee to study the feasibility of year round schools.

**SB 383**, establishing a committee to recommend to the state board of education different methods of obtaining information on persons convicted of any felony involving child abuse.

**SB 387**, authorizing legally constituted boards and commissions which are created for the purpose of state historic site restoration the option of retaining ownership of any historic site furnishings which they acquire with other than state funds.

**SB 397**, relative to long-term job supports for severely disabled persons.

**SB 418**, changing the title of juvenile services officers to juvenile probation-parole officers.

**SB 421-FN**, relative to fireworks.

**SB 427**, requiring the registration of sexual offenders.

**SB 447-L**, increasing the rate of interest paid on the amount of taxes abated.

## COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**HB 1136**, relative to regulation of small loans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: This bill changes the method for computation of interest on small loans. The bill establishes requirements for responding to consumer inquiries regarding licensees engaged in the business of making small loans. The bill repeals a reporting requirement for licensees doing other business in the same office and allows a licensee to file a composite report for a group of affiliated offices. The bill was requested by the Banking Department and is a good consumer bill. Vote 18-0.

494IL

### Amendment

Amend the bill by replacing all after section 1 with the following:

2 New Section; Consumer Inquiries. Amend RSA 399-A by inserting after section 5 the following new section:

399-A:5-a Consumer Inquiries.

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the bank commissioner, shall be forwarded via certified or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 30 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 60 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

(a) Make appropriate corrections in the account of the consumer and transmit to the consumer and the banking department written notification of such corrections, including documentary evidence thereof; or

(b) Transmit a written explanation or clarification to the consumer and the banking department which sets forth, to the extent applicable, the reasons why the licensee believes its actions are correct, including copies of documentary evidence thereof.

II. A licensee who fails to respond to consumer complaints as required by this section within the time prescribed shall pay to the commissioner the sum of \$50 for each day such response is overdue. For purposes of this section, the date of transmission shall be the date such response is postmarked.

III. (a) Licensees which, because of extenuating circumstances beyond the control of the licensee, are unable to comply with the time frames prescribed in this section, may make written request to the commissioner for a waiver of such time frames. Waivers shall not be granted or considered unless the request for the waiver:

(1) Is received by the banking department within 50 days following the licensee's receipt of the complaint;

(2) Specifies the reason for the request; and

(3) Specifies a date certain by which the licensee shall comply with the provisions of this section.

(b) Requests for waivers shall be either granted or denied within 5 days of receipt by the banking department.

IV. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

3 Books and Records; Audits; Annual Reports. RSA 399-A:21, III is repealed and reenacted to read as follows:

III. Each licensee shall file, under oath, an annual report with the banking department on or before February 1 of each year, concerning the business and operations for the preceding calendar year ending December 31 in the form prescribed by the commissioner. Whenever a licensee operated 2 or more licensed offices or whenever 2 or more affiliated licensees operate licensed offices, then a composite report of such group of licensed offices may be filed in lieu of individual reports. The banking department shall publish its analysis of the information required under this paragraph as a part of its annual report. Any licensee failing to file the report required by this paragraph within the time prescribed shall pay to the commissioner the sum of \$25 for each calendar day the report is overdue. If a licensee elects to file a composite report and such composite report is not filed on or before February 1 the penalty prescribed in this paragraph shall apply separately for each license held. Sums collected under this paragraph shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

4 Repeal. RSA 399-A:9, relative to reports on other business in the same office, is repealed.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill changes the method for computation of interest on small loans. The bill establishes requirements for responding to consumer inquiries regarding licensees engaged in the business of making small loans. The bill repeals a reporting requirement for licensees doing other business in the same office and allows a licensee to file a composite report for a group of affiliated offices.

This bill was requested by the banking department.

**HB 1137**, relative to nondepository first mortgage bankers and brokers. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: This bill changes the definition of branch office for nondepository first mortgage bankers and brokers. It establishes requirements for responding to consumer inquiries. The bill was requested by the Banking Department and is a good consumer bill. Vote 18-0.

4940L

#### Amendment

Amend the bill by replacing section 2 with the following:

2 New Section; Consumer Inquiries. Amend RSA 397-A by inserting after section 15 the following new section:



**397-A:15-a Consumer Inquiries.**

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the bank commissioner, shall be forwarded via certified or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 30 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 60 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

(a) Make appropriate corrections in the account of the consumer and transmit to the consumer and the banking department written notification of such corrections, including documentary evidence thereof; or

(b) Transmit a written explanation or clarification to the consumer and the banking department which sets forth, to the extent applicable, the reasons why the licensee believes its actions are correct, including copies of documentary evidence thereof.

II. A licensee who fails to respond to consumer complaints as required by this section within the time prescribed shall pay to the commissioner the sum of \$50 for each day such response is overdue. For purposes of this section, the date of transmission shall be the date such response is postmarked.

III(a). Licensees which, because of extenuating circumstances beyond the control of the licensee, are unable to comply with the time frames prescribed in this section, may make written request to the commissioner for a waiver of such time frames. Waivers shall not be granted or considered unless the request for the waiver:

(1) Is received by the banking department within 50 days following the licensee's receipt of the complaint;

(2) Specifies the reason for the request; and

(3) Specifies a date certain by which the licensee shall comply with the provisions of this section.

(b) Requests for waivers shall be either granted or denied within 5 days of receipt by the banking department.

IV. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

**HB 1139**, relative to consumer inquiries regarding persons licensed to offer second mortgage home loans. **OUGHT TO PASS WITH AMENDMENT**

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: This bill establishes the requirements for second mortgage lenders to respond to consumer complaints. The bill was requested by the Banking Department and is a good consumer bill. Vote 18-0.

4939L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to persons licensed to offer second mortgage home loans.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Consumer Inquiries. Amend RSA 398-A by inserting after section 6 the following new section:

398-A:6-a Consumer Inquiries.

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the bank commissioner, shall be forwarded via certified or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 30 days after receipt of such complaint, send a written acknowledgment thereof to the consumer and the banking department. Not later than 60 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

(a) Make appropriate corrections in the account of the consumer and transmit to the consumer and the banking department written notification of such corrections, including documentary evidence thereof; or

(b) Transmit a written explanation or clarification to the consumer and the banking department which sets forth, to the extent applicable, the reasons why the licensee believes its actions are correct, including copies of documentary evidence thereof.

II. A licensee who fails to respond to consumer complaints as required by this section within the time prescribed shall pay to the commissioner the sum of \$50 for each day such response is overdue. For purposes of this section, the date of transmission shall be the date such response is postmarked.

III(a). Licensees who, because of extenuating circumstances beyond the control of the licensee, are unable to comply with the time frames prescribed in this section, may make written request to the commissioner for a waiver of such time frames. Waivers shall not be granted or considered unless the request for the waiver:

(1) Is received by the banking department within 50 days following the licensee's receipt of the complaint;

(2) Specifies the reason for the request; and

(3) Specifies a date certain by which the licensee shall comply with the provisions of this section.

(b) Requests for waivers shall be either granted or denied within 5 days of receipt by the banking department.

IV. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

2 Report. RSA 398-A:1-e is repealed and reenacted to read as follows:

398-A:1-e Report. Each licensee shall file with the commissioner on or before February 1 of each year a report under oath concerning the business and operations for the preceding calendar year ending December 31 in the form prescribed by the commissioner. Whenever a licensee operated 2 or more licensed offices or whenever 2 or more affiliated licensees operate licensed offices, than a composite report of such group of licensed offices may be filed in lieu of individual reports. The commissioner shall publish an analysis of the information required under this section as a part of his annual report. Any licensee failing to file the report required by this section within the time prescribed shall pay to the commissioner the sum of \$25 for each calendar day the report is overdue. If a licensee elects to file a composite report and such composite report is not filed on or before February 1 as required under this section, the penalty prescribed in this section shall apply separately for each license held. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

3 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

The bill establishes requirements for responding to consumer inquiries regarding persons licensed to offer second mortgage home loans.

The bill also allows persons licensed to offer second mortgage loans to file a composite report for a group of affiliated offices.

This bill was requested by the banking department.

**HB 1156**, changing the annual rate of interest on judgments and business transactions. **OUGHT TO PASS WITH AMENDMENT**

Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs: This bill will reduce interest payments from 10 percent to an adjustable rate based on treasury rates plus 2 percent on judgments. Vote 21-0.

4976L

**Amendment**

Amend the bill by replacing section 1 with the following:

1 Rate of Interest on Judgments and Business Transactions. RSA 336:1 is repealed and reenacted to read as follows:

336:1 Rate of Interest.

I. The annual rate of interest on judgments shall be calculated at a rate equal to the coupon issue yield equivalent, as determined by the Secretary of the United States Treasury, of the average accepted auction price for the last auction of 52-week United States Treasury Bills plus 2 percent settled immediately prior to the date of the judgment. The state treasurer shall distribute notice of that rate and any changes to the director of the administrative office of the courts.

II. The annual rate of interest on all business transactions in which interest is paid or secured, unless otherwise agreed in writing, shall be calculated in accordance with paragraph I of this section, except that the rate shall be calculated on the basis of the last auction settled immediately prior to the date the obligation is due and payable.

**AMENDED ANALYSIS**

This bill changes the annual rate of interest on judgments and business transactions from 10 percent to a formula based on the auction price of 52-week United State Treasury Bills.

**HB 1175**, creating a committee to study medical liability insurance in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs: This bill establishes a committee to study the high cost of medical liability insurance in New Hampshire. The committee shall examine ways to encourage out-of-state insurers to come to this state. Vote 19-0.

4879L

**Amendment**

Amend paragraph VI of section 1 of the bill by replacing it with the following:

VI. Two physicians in private practice, appointed by the New Hampshire Medical Society.

Amend section 1 of the bill by inserting after paragraph VII the following new paragraph:

VIII. One representative from the New Hampshire Health Care Association, appointed by such association.

**HB 1451-FN**, relative to the transportation of pupils living within a certain distance from the school to which they are assigned. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stanley N. Searles, Sr. for Education: This bill eliminates possible discrimination in transportation because of age by using a grade-in-school requirement instead of the age requirement of 14 years. Vote 16-0.

4418L

#### **Amendment**

Amend RSA 189:6 as inserted by section 1 of the bill to read as follows:

189:6 Transportation of Pupils. The local school district shall furnish transportation to all pupils in grades 1 through grade 8 who live more than 2 miles from the school to which they are assigned. The local school board may furnish transportation to kindergarten pupils, pupils in grades above the eighth or to any pupils residing less than 2 miles from the school to which they are assigned, when it finds that this is appropriate, and shall furnish it when so directed by the commissioner of education.

#### **AMENDED ANALYSIS**

This bill changes the laws regarding the transportation of pupils. Current law requires that local school boards furnish transportation to all pupils below the ninth grade who live more than 2 miles from school. This bill specifies that such transportation be provided to students in grades 1 through grade 8. The bill allows local school boards to furnish transportation to kindergarten pupils or pupils residing less than 2 miles from the school to which they are assigned, or require boards to furnish such transportation if so directed by the commissioner of education.

This bill also repeals the law that requires local school districts not maintaining a high school to furnish reasonable transportation to an approved high school.

This bill is a request of the department of education.

**HB 1143-FN-A**, relative to administrative fines, court fines for violations of weights and measures laws and continually appropriating a special account to the bureau of weights and measures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marilyn R. Campbell for Environment and Agriculture: Money from weights and measures hopefully will fund part-time help to inspect those establishments that have three or fewer devices. The amendment increases fees for registration of seed and fertilizer and will be placed in the PAU already established for testing. Vote 14-0.

4497L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to administrative fines, court fines for violations of weights and measures laws, continually appropriating a special account to the bureau of weights and measures, and increasing the per-brand registration fee for commercial feed.

Amend the bill by replacing all after section 2 with the following:

3 Increasing Fees. Amend RSA 435:20, II and III to read as follows:

II. No person shall distribute in this state a commercial feed, except a customer-formula feed, which has not been registered pursuant to the provisions of this section. Applications for registration, accompanied by a [\$25] **\$50** per-brand registration fee,



shall be submitted in a manner prescribed by the commissioner. Upon approval by the commissioner, a registration shall be issued to the applicant. All registrations shall expire on December 31 of each year.

III. The commissioner may refuse to register any commercial feed not in compliance with the provisions of this subdivision and to cancel any registration subsequently found not to be in compliance with any provision of this subdivision; provided that upon the refusal of registration, the [\$25] \$50 registration fee shall be returned to the applicant; and provided further that no registration shall be refused or cancelled unless the applicant or registrant has been given an opportunity to appear at a hearing before the commissioner and to amend his application in order to comply with the requirements of this subdivision.

4 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

The bill designates an account into which administrative fines and a certain portion of court fines for weights and measures violations will be deposited for the purpose of enforcing the weights and measures laws. The account is continually appropriated for the purposes of the weights and measures law.

The bill also increases the per-brand registration fee for commercial feed.

Referred to Appropriations.

**HB 1194**, establishing a fund for New Hampshire milk producers. REFER FOR INTERIM STUDY.

Rep. Marilyn R. Campbell for Environment and Agriculture: This bill will be available if present law has to be amended to give the Commissioner of Agriculture power to protect the New Hampshire dairy industry. Massachusetts has declared a state of emergency and is awaiting action by its Commissioner of Agriculture. If its legislation and that of neighboring states differ from our present legislation, we must act early in 1993 and this legislation will be ready for action. Vote 13-0.

**HB 1250-FN-L**, increasing the fee for the disposal of solid waste. INEXPEDIENT TO LEGISLATE.

Rep. Nancy Tarpley-Bamberger for Environment and Agriculture: The major concern of the sponsor was possible contamination during and after the closing of a privately held land-fill. Financial assurance is for 30 years after closure. This bill would violate the interstate commerce laws and would impose a new fee on local communities. This host community can address future compensation through renegotiating contracts upon their expiration. Vote 14-0.

**HB 1278-FN-L**, permitting towns to make bylaws for refuse disposal in specifically-designated bags and altering district court procedure for levying fines against bylaws violators. OUGHT TO PASS WITH AMENDMENT.

Rep. Jeb E. Bradley for Environment and Agriculture: The bill will allow municipalities and solid waste districts to enact solid waste bylaws after a public hearing. Nothing in this bill will require enacting of solid waste bylaws. Town officials may issue a summons in a manner similar to traffic violations for violations of solid waste disposal rules when fines are \$500 or less. Vote 14-0.

4578L

**Amendment**

Amend the bill by replacing section 1 with the following:

1 Refuse Disposal in Certain Bags. RSA 149-M:13, II is repealed and reenacted to read as follows:

II. The governing body of a municipality and solid waste districts may enact bylaws governing its solid waste facility and for the collection and disposal of solid waste generated in or transported to the municipality.

(a) Such bylaws may include, but are not limited to the following:

(1) Requiring all or certain types of such solid waste to be disposed of in the municipality's solid waste facility required by this chapter, separation of different types of waste, or prohibiting certain types of waste from being disposed of in the facility;

(2) The charging of fees for solid waste disposal in an amount reasonably calculated to cover the cost of the facility, waste disposal, administration, enforcement, and any recycling or composting program;

(3) Requiring residents to dispose of waste in specifically-designated types of containers; and

(4) Requiring solid waste collectors operating within the municipality to impose rates based on volume.

(b) A public hearing shall be required prior to the adoption of any such bylaw. Notice of the hearing shall be given by posting in 2 public places in the municipality and by publication in a newspaper of general circulation in the municipality, at least 7 days prior to the hearing. The notice shall include any proposed schedule of fees or charges and shall designate the place where a copy of the proposed bylaw is available for public inspection.

(c) Notwithstanding RSA 31:39, III, towns are authorized to levy civil penalties of up to \$3,000 for each violation of a bylaw enacted pursuant to this paragraph.

(d) For violations for which any penalty provided in the bylaw is \$500 or less, the official designated in the bylaw as the enforcement authority may issue a summons and notice of fine as provided in RSA 502-A:19-b, except that a copy of the local bylaw shall be substituted for the uniform fine schedule. Defendants who are issued such summons and notice of fine may plead guilty or nolo contendere by mail by entering a plea as provided in RSA 502-A:19-b. If the plea is accepted by the court, the defendant shall not be required to appear unless directed by the court.

**HB 1348**, permitting a town or city to charge owners of open space land a fee which is dedicated to schools within that town or city. INEXPEDIENT TO LEGISLATE.

Rep. Jeb E. Bradley for Environment and Agriculture: The Committee voted this bill Inexpedient to Legislate because issues such as an acreage fee assessed for current use land will be dealt with by the current use study committee. Vote 17-0.

**HB 1350**, revising the laws that require a prescription to purchase a hypodermic needle. OUGHT TO PASS.

Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs: It was the unanimous opinion of the Committee that by repealing the law requiring a prescription for needles (joining 39 states who have no such law) the State of New Hampshire will be taking a step toward curbing the spread of HIV which causes AIDS. The largest increase in the spread of AIDS has been in the intravenous drug

users who share contaminated needles. This bill still requires that needles be purchased from pharmacies which will give information on proper disposal of needles. Minors still will have to have a prescription under this law. Vote 15-0.

**HB 1357**, establishing a committee to study the concept of in-home care as an alternative to institutionalized care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs: The Committee voted 16-0 to pass this study bill. An amendment was made to add one additional member to the proposed committee listed as XV "a member of Granite State Independent Living Foundation." A change was made in the effective date to make the bill effective on passage.

4856L

#### **Amendment**

Amend paragraph X of section 1 of the bill by replacing it with the following:

X. A representative of the New Hampshire Health Care Association, appointed by such association.

Amend section 1 of the bill by inserting after paragraph XIV the following new paragraph:

XV. A representative of the Granite State Independent Living Foundation, appointed by such foundation.

**HB 1192**, relative to remedies under the whistleblowers' protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marie C. Hawkinson for Labor, Industrial and Rehabilitative Services: This bill allows the Labor Commissioner to award back pay to employees who are successful in a whistleblowers' protection act case. Vote 10-0.

4474L

#### **Amendment**

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 30 days after its passage.

**HB 1434**, requiring employers advertising for replacement workers during a strike to state such in any advertisement. **OUGHT TO PASS.**

Rep. George W. Wright for Labor, Industrial and Rehabilitative Services: The bill requires employers advertising for replacement workers during a strike to state such in any advertisement. There is no fiscal impact on the State. Vote 10-0.

**HB 1132-L**, changing the definition of residence for property in industrial or commercial zones for property tax purposes. **INEXPEDIENT TO LEGISLATE**

Rep. John A. Middleton for Municipal and County Government: This bill relates to an isolated case which the committee feels can be solved at the local level under existing law. The committee feels that this bill, if passed, would create confusion within local government. Vote 13-0.

**HB 1172**, increasing the amount of the homestead right. **OUGHT TO PASS WITH AMENDMENT**

Rep. Martha Fuller Clark for Municipal and County Government: This bill increases the amount of the homestead protection right from \$5,000 to \$25,000. In comparison, Vermont's current homestead protection right is for \$30,000; Massachusetts, \$50,000. The last time the New Hampshire law was changed was in 1983 when it was raised from \$1,000 to \$5,000. This right does not apply to collection of taxes,

liens, and primary mortgage obligations. The committee, hearing no adverse testimony, and recognizing the changing value of real estate, felt the proposed change was reasonable and needed. Vote 15-1.

4438L

#### Amendment

Amend RSA 480:1 as inserted by section 1 of the bill by replacing it with the following:

480:1 Amount. Every person is entitled to [\$5,000] **\$25,000** worth of his homestead, or of his interest therein, as a homestead. The homestead right created by this chapter shall exist in manufactured housing, as defined by RSA 674:31, which is owned and occupied as a dwelling by the same person but shall not exist in the land upon which the manufactured housing is situated if that land is not also owned by the owner of the manufactured housing.

**HB 1173**, allowing a beneficial interest owner of a trust owning real estate to qualify for property tax exemptions and credits. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Municipal and County Government: This bill has two purposes: 1) those veterans and their spouses who wish to place their homes in a trust for estate planning purposes should not have to forego the veteran's tax credit on their property tax. Because of property transfer differences under a trust versus individual ownership, the bill also requires annual filing for trusts wishing to qualify for the veteran's tax credit. 2) The amendment provides that veterans of the Persian Gulf War are added to the list of veterans eligible for the veteran's property tax credit. All testimony was favorable. Vote 16-0.

4709L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

allowing a beneficial interest owner of a trust owning real estate to  
qualify for property tax exemptions and credits and allowing  
the veterans' exemption for service in the Gulf War.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Beneficial Interest Owners of Trusts Permitted Exemptions and Credits. Amend RSA 72 by inserting after section 6 the following new section:

72:6-a Trusts. In this chapter, the term "person" and the term "inhabitant" shall include the beneficial interest owner of a trust owning real estate when such beneficial owner otherwise qualifies for an exemption or credit under this chapter. The application for exemption or tax credit by a beneficial interest owner of a trust owning real estate shall be in accordance with RSA 72:33-a.

2 New Section; Application for Exemption or Tax Credit by a Beneficial Interest Owner of a Trust. Amend RSA 72 by inserting after section 33 the following new section:

72:33-a Application for Exemption or Tax Credit by a Beneficial Interest Owner of a Trust. No beneficial interest owner of a trust owning real estate shall be entitled to the exemptions or tax credits provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 39, 43-b, 43-f, 43-h, 62, 66, and 70 unless he shall have filed annually with the selectmen or assessors, on or before April 15, an application therefore signed under penalty of perjury, on a form approved and provided by the commissioner of revenue



administration, showing that the applicant is duly qualified for the exemption or tax credit, and is the true and lawful beneficial interest owner of the trust owning the real estate on which the exemption or tax credit is claimed. If any beneficial interest owner, otherwise qualified to receive an exemption or tax credit, shall satisfy the selectmen or assessors that he was prevented by accident, mistake or misfortune from filing the application on or before April 15, said officials may receive said application at a later date and grant an exemption or tax credit therefor for that year, but no such application shall be received or exemption or tax credit granted after the local tax rate has been approved for that year.

3 Participation in Gulf War; Qualification for Veterans' Exemption. Amend RSA 72:28, VI(i) to read as follows:

(i) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal *or theater of operations service medal*.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill permits a person who has transferred his real estate to a trust and is the beneficial interest owner of that trust to obtain an exemption or credit on his property taxes on such real estate, provided that such person meets the qualifications for an exemption or credit.

The bill also allows the veterans' exemption for service in the Gulf War.

**HB 1174**, to allow a person to serve only on the conservation commission, the planning board, or the zoning board of adjustment at the same time. INEXPEDIENT TO LEGISLATE

Rep. Katherine H. Metzger for Municipal and County Government: The committee felt that this bill was addressing a local problem where existing laws were not being enforced. Most of the testimony was opposed to the bill. The concern was that this would create a difficult situation for small towns. Vote 13-0.

**HB 1239-FN-L**, relative to dog group license fees. INEXPEDIENT TO LEGISLATE

Rep. Eva M. Lawrence for Municipal and County Government: At this time the bill would pose too much of a burden to those who are breeders and also the town would find it a burden to enforce. It would cost too much for all involved. The committee recognizes, however, that there is a larger problem with regard to animal control and suggests state agencies should take the initiative in proposing solutions. Vote 14-0.

**HB 1306-L**, authorizing additional license fees for dogs which are not spayed or neutered. INEXPEDIENT TO LEGISLATE

Rep. Richard T. Trelfa for Municipal and County Government: Most of the testimony was strongly opposed. Consensus of the committee and testimony was that HB 1306 could impair the licensing process and that establishment of a dedicated fund separate from the general funds was undesirable. Vote 13-0.

**HB 1312-FN-L**, increasing the fees for late licensure of dogs. INEXPEDIENT TO LEGISLATE

Rep. Richard T. Trelfa for Municipal and County Government: HB 1312-FN-L proposes a piecemeal approach to a complex problem. The committee feels there is an ample number of statutes addressing the problems; but enforcement is, at best, spotty.

A more comprehensive approach appears needed. Testimony was sharply split. Vote 13-0.

**HB 1351**, creating a committee to review the laws governing tax-exempt property and to study the concept of and criteria for payment in lieu of taxes by tax-exempt properties in response to HBI 2 of the 1991 session. OUGHT TO PASS WITH AMENDMENT

Rep. David M. Perry for Municipal and County Government: The question of tax exempt property has resulted in a stream of litigation involving many cities, towns, and tax-exempt organizations. HB 1351 creates a study committee to study the issue of tax-exempt property in the State of New Hampshire. It also will look into the concept of "payment in lieu of taxes." The pressure on the property tax warrants this study. Vote 13-0.

4823L

#### Amendment

Amend paragraph I of section 1 of the bill by inserting after subparagraph (j) the following new subparagraph:

(k) One representative of the Granite State Association of Non-Profits, appointed by such association.

**HB 1368**, allowing municipalities to protect buildings 50 years of age or older from being burned in fire department exercises. INEXPEDIENT TO LEGISLATE

Rep. Martha Fuller Clark for Municipal and County Government: While the committee felt there was merit in the intent of the bill, which aimed at protecting our historical resources, they were concerned about unresolved issues surrounding private property rights and that there was difficulty with the narrow scope of this legislation. Instead, the committee will consider reviewing the need for greater protection of our historic resources within a broader framework under a House Bill of Intent. Vote 16-0.

**HB 1465-L**, relative to the taxation and transfer of restricted land. OUGHT TO PASS WITH AMENDMENT

Rep. Richard T. Trelfa for Municipal and County Government: This bill would preserve an owner's right to develop a portion of restricted land, after payment of a 10% penalty. All testimony was favorable, except for concerns expressed regarding the definition of "restricted land." The amendment requires conformity with U.S. Internal Revenue code. Vote 13-0.

4954L

#### Amendment

Amend RSA 79-B:2, IX as inserted by section 2 of the bill by replacing it with the following:

2 Definition; Restricted Land. Amend RSA 79-B:2, IX to read as follows:

IX. "Restricted land" means any undeveloped open space land subject to a qualifying conservation restriction *including where the restriction meets the requirements of section 170(h) of the United States Internal Revenue Code, any portion of the property on which the owner has reserved a right to develop, but has not yet exercised such right.*

**HB 1220-FN-L**, changing the method for calculating stumpage values for purposes of assessing the yield tax on timber. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William H. Nehring for Resources, Recreation and Development: The bill, as amended, directs the yield tax assessors to consider all reasonable costs in the harvest of timber and other wood products. It also provides for the assistance of the Department of Revenue Administration in making the assessments. Vote 16-0.

4914L

### Amendment

Amend the bill by replacing section 1 with the following:

1 Stumpage Value; Yield Tax on Timber. RSA 79:1, III is repealed and reenacted to read as follows:

III. "Stumpage value" means the amount determined by the assessing officials in the same manner as other property values for the purposes of taxation. When competitive bids have been the basis for the sale on a per cord, per 1,000 board foot, by weight or other basis the price so paid shall be considered by the assessing officials. The assessors shall consider any reasonable costs incurred by the owner to access and remove said wood or timber, less any costs for services which are in excess of those necessary to remove said wood or timber. The burden shall be upon the owner filing the "Report of Wood Cut" form to demonstrate the reasonableness of a claim under this paragraph. When open competitive bidding is not the basis for the sale, the assessing officials shall use the average stumpage value list provided by the department of revenue administration, taking into consideration the location of the timber, the quality of the timber, the size of the sale and any other factors necessary to harvest the wood or timber that affect the value of timber being cut. Stumpage value of all forest products except those customarily measured by the cord, by weight or by the piece shall be determined on the basis of international 1/4 inch rule log scale. If there are questions by the assessors regarding the true and accurate stumpage values reflected in contracts presented by the owner as the basis for timber tax assessment, the department of revenue administration, property appraisal division shall be available to assist or advise the municipalities in the proper calculation of the stumpage value for assessment purposes.

**HCR 21**, urging the U.S. Congress to adopt uniform recycling product labeling standards based on standards developed by the Northeast Recycling Council. **OUGHT TO PASS.**

Rep. Lowell D. Apple for State-Federal Relations: On a vote of 12-0 the Committee urged the House to pass this HCR regarding standardizing recycling labeling based on Northeast Recycling Council standards. Vote 12-0.

The Chair requested a quorum count.

A quorum was declared present.

### REMARKS

Reps. Ward, Dyer, Robert Wheeler, Shibley and Channing Brown briefed the House on **HB 1496-FN-L**, relative to defined benefits, defined contributions, and the funding methodology of the retirement system, and **HB 1497-FN-L**, relative to retirement benefits, employer contributions to the retirement system, and the retirement system board of trustees.

Reps. Ward, Dyer and Robert Wheeler yielded to questions.

### REGULAR CALENDAR

**CACR 24**, relating to gubernatorial elections. Providing that the governor shall be elected every 4 years. **INEXPEDIENT TO LEGISLATE.**

Rep. LeRoy S. Dube for Constitutional and Statutory Revision: Since 1967, a constitutional amendment on the extension of the term of office of governor has been considered by the Legislature 16 times. The amendment has appeared as a ballot question in the general election three times. The majority of the Committee favored keeping a two-year term for governor. Vote 9-4.

Adopted.

**HB 1155-L**, relative to school attendance laws and homeless children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John M. White for Education: This bill, resulting from federal PL 101-645 (The McKinney Homeless Assistance Amendments of 1990), gives homeless children the right to receive an appropriate public education either in the district of residence or in the school of origin. It also limits the liability of persons who assist homeless children and provides for any needed medical examination and/or immunization at no additional cost to local communities. Vote 16-0.

4824L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Education of Homeless Children. Amend RSA 193 by inserting after section 33 the following new subdivision:

#### Education of Homeless Children

193:34 Definitions. In this subdivision:

I. "Homeless child" means a child who, living with his parents or as an individual:

(a) Lacks a fixed, regular and adequate night-time residence; or

(b) Has a primary night-time residence that is:

(1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, welfare hotels, congregate shelters, and transitional housing for the mentally ill; or

(2) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, including but not limited to campground, tent, car, or abandoned or condemned buildings.

(c) Moves from friend to friend and among relatives without a fixed or permanent residence.

II. "Parent" means a parent, guardian, or person having legal custody of a child.

III. "School of origin" means the school a homeless child last attended or the school a homeless child last attended while in a permanent residence during the past year.

IV. "District of residence" means the school district in which a homeless child eats and sleeps.

V. "School attendance area" means in relation to a particular school, the geographic area in which the children who are normally served by that school reside.

193:35 Homeless Children; Access to Free Education.

I. The following provisions shall apply regardless of whether the child is homeless or living with a homeless parent or has been temporarily placed elsewhere by homeless parents. In all cases the school district of residence shall base placement of



a child in accordance with this section based upon the best interest of the child. The school district shall consider any request of the parent or child in determining the best interest of the child.

II. Notwithstanding the provisions of RSA 193:12 and 194:14, any homeless child 6 years of age and under 16 years of age shall attend the school attendance area in the district of residence, or continue his education in the school of origin for the remainder of the school year, or for an additional year if the child becomes homeless during the summer.

III. Any homeless child who resides in a district which operates a public kindergarten shall be entitled to attend such public kindergarten or the public kindergarten in his district of origin if such kindergarten is available.

IV. Any homeless child, 16 to 21 years of age, who applies for enrollment shall be entitled to attend either the school in the district of residence or in the school of origin. In making such assignment, the school district of residence shall consider any request of a student 18 years of age or older.

V. The calculation of time relating to an alleged violation of the compulsory attendance law shall begin on the child's date of assignment by the district of residence.

VI. For the purposes of this subdivision a child placed by the division for children and youth services shall not be considered homeless.

#### 193:36 Medical Examination of Students; Immunizations.

I. Notwithstanding RSA 200:32 and in the absence of any other medical examination in compliance with RSA 200:32 or RSA 200:33, a complete medical examination shall be provided by a licensed physician for each homeless child within 30 days of first entry into the public school system, provided no medical examination shall be required of a child whose parent or guardian objects to such examination in writing on the grounds such medical examination is contrary to his religious tenets and teachings.

II. All homeless children shall be immunized in accordance with RSA 141-C:20-a. However, in the event of a homeless child does not otherwise meet the requirements of RSA 141-C:20-a, the school district shall obtain records of appropriate immunization, or provide immunization within 30 days of entry into school.

193:37 Liability Limited. If any person in good faith renders either shelter or emergency care, or both, to a homeless child as defined in RSA 193:34, the person who renders the assistance is not liable in civil damages for any act of omission in rendering the aid. However, nothing in this section shall affect the liability of such person for damages arising out of willful misconduct, gross negligence, or a delinquent act.

193:38 Transportation. A homeless child attending the school assigned by the local school district shall be entitled to the same transportation offered to other children in that district. If the homeless child attends his school of origin, the school district of residence may transport the child to and from such school.

2 New Subparagraph; Additional Rulemaking Authority. Amend RSA 21-N:9, II by inserting after subparagraph (v) the following new subparagraph:

(w) Administering the provisions of RSA 193:34 through 193:38 regarding the education of homeless children.

3 Effective Date Change; Literacy Instruction. Amend 1988, 274:10, I-a as inserted by 1989, 301:6 and as amended by 1991, 355:101 to read as follows:

I-a. RSA 189:54, II as inserted by section 3 of this act shall take effect July 1, [1992] 1993.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill creates a new subdivision which gives homeless children the right to receive an appropriate public education by allowing the homeless child to attend the school in the attendance area of the district of residence or continue his education in the school of origin for the remainder of the school year or for an additional year if the child becomes homeless during the summer.

This bill also entitles a homeless child attending a school assigned by the local school district to the same transportation offered to other children in that district.

This bill also limits the liability of persons assisting homeless children. In addition, this bill requires a homeless child to be provided with a complete medical examination, by a licensed physician within 30 days of first entry into the public school system.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 1468-FN-L**, relative to the education of disabled children. OUGHT TO PASS WITH AMENDMENT.

Rep. William A. Riley for Education: The bill was unanimously voted Ought to Pass with Amendment by the Committee. It relieves the towns of a considerable amount of the costs of extraordinarily expensive special education students, yet transfers to the Department of Education no more costs than it currently budgets for and creates no added costs to the towns. Vote 18-0.

4862L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to special education catastrophic aid.

Amend the bill by replacing all after the enacting clause with the following:

1 Estimated Expenditures; Calculation of Catastrophic Aid Payments. Amend RSA 186-C:18, III to read as follows:

III. (a) [The state shall appropriate not less than \$1,000,000 for each fiscal year to assist school districts in meeting catastrophic cost increases in their special education programs.] The state board of education through the commissioner, department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3-1/2 times the *estimated* state average expenditure per pupil for the school year preceding the year of distribution. If in any year, the amount appropriated for distribution as catastrophic special education aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant[; provided that the amount of catastrophic special education aid per pupil for a district requiring such aid shall not be more than 80 percent of catastrophic costs exceeding 3-1/2 times the *estimated* state expenditure per pupil for the school year preceding the year of distribution for that district]. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed according to the equalizing formula established in paragraph II. The state

may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally disabled children, it shall not receive catastrophic special education aid for those same educationally disabled children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

*(b) The school district shall be liable for 3-1/2 times the estimated state average expenditure per pupil, plus 20 percent of the additional cost, up to \$50,000 per pupil.*

*(c) The department of education shall be liable for 80 percent of the cost above the 3-1/2 times the estimated state average expenditure per pupil, up to \$50,000 per pupil. The department of education shall be liable for all costs in excess of \$50,000 per pupil. Costs for which the department of education is liable under this section shall be paid to education service providers by the department of education.*

2 Effective Date. This act shall take effect July 1, 1993.

#### AMENDED ANALYSIS

This bill allows payments to school districts using estimated expenditures of the school districts.

The school district will be liable for 3-1/2 times the estimated state average expenditure per pupil plus 20 percent of the additional cost up to \$50,000 per pupil. The department of education will be liable for 80 percent of the cost above 3-1/2 times the estimated expenditure per pupil up to \$50,000. The department will be responsible for all costs in excess of \$50,000 per pupil.

The current law provides payments to school districts by calculating the state average expenditure per pupil for the school year preceding the year of distribution.

The bill deletes the state minimum appropriation to districts for special education catastrophic cost increases.

Adopted.

Report adopted.

Referred to Appropriations.

**HB 1127-FN-L**, abolishing the current use tax. INEXPEDIENT TO LEGISLATE.

Rep. David M. Scanlan for Environment and Agriculture: House Bill 1127 completely ignores the impact this bill would have on tourism, forest and agricultural-based industry in the state. Additionally, no consideration was given to the impact this proposal would have on an already depressed real estate market and the resulting increase in delinquent tax payments made to municipalities. Finally, it would be difficult to quantify the negative impact this bill would have on our natural landscape and the average New Hampshire citizen's quality of life. Vote 16-0.

Rep. Trombly yielded to questions.

Adopted.

**HB 1211**, permitting public employees to file an unfair labor practice complaint after a certain time without exhausting administrative remedies. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.

Rep. Roy E. Melnick for the Majority of Labor, Industrial and Rehabilitative Services: The majority of the Committee believes that discrimination in the hiring, tenure, terms and conditions of employment of public employees for the purpose of encouraging or discouraging membership in any employee organization and to discharge or otherwise discriminate against any employee because he has filed a complaint affidavit or petition or given information or testimony under RSA 273:A the (Public Employee Labor Relations Board) should have primary jurisdiction of said violations, speed up the process for the complainant. Vote 8-5.

Rep. Larry G. Elliott for the Minority of Labor, Industrial and Rehabilitative Services: The Minority of the Committee strongly rejects the amendment proposed by the Majority of the Committee. The amendment allows public employees to file an unfair labor practice without any attempts to resolve them through an administrative grievance procedure currently required by the law before going to the Employee Relations Board. The Minority of the Committee further feels that a six-month waiting period, as outlined in the original bill, is appropriate so as to require an employee to operate in good faith with his/her employer. This bill, as amended, removes any incentive for an employee to attempt to settle a dispute with anyone in the administrative procedures process. After the written amendment appeared in executive session of the full Committee, the Subcommittee was reconvened and considered the amendment. The Subcommittee maintained its position of Ought to Pass unamended. The Minority of the Committee supporting the Subcommittee concurs with the motion of Ought to Pass.

4970L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

permitting public employees to file an unfair labor practice complaint without exhausting administrative remedies.

Amend RSA 273-A:6, I as inserted by section 1 of the bill by replacing it with the following:

I. The board shall have primary jurisdiction of all violations of RSA 273-A:5[, but no complaint may be filed with the board for violation of RSA 273-A:5, I(c) or (d) either until the complainant has exhausted the administrative remedies provided by statutes other than this chapter].

### **AMENDED ANALYSIS**

This bill permits a public employee to file unfair labor practice complaints without exhausting administrative remedies.

Rep. Elliott spoke against and yielded to questions.

#### **(Rep. Michael Hill in the Chair)**

Rep. Jasper spoke against and yielded to questions.

Reps. Turner and Hawkins spoke in favor.

Rep. Robinson spoke against.

On a division vote, 143 members having voted in the affirmative and 167 in the negative, the Committee amendment lost.



Report adopted.

Rep. William Boucher notified the Clerk that he wished to be recorded in opposition to the amendment.

Referred to Appropriations.

Rep. Hager yielded to questions.

**HB 1124-L**, allowing a town to apply certain rental welfare assistance payments to certain amounts owed to a town for the assisted person's landlord's delinquent water, sewer, or tax payments. **OUGHT TO PASS WITH AMENDMENT**

Rep. John S. Barnes, Jr. for Municipal and County Government: The amendment replaces the bill. It allows for governing bodies of municipalities, after adopting appropriate guidelines, to apply rents paid by a municipality toward payment of arrears in municipal utilities and taxes. In such cases, rents would be paid by voucher. Also, the amendment changes the RSA 540-A:6 interest rate on security deposits held by landlords to the going rate instead of 5 percent. The majority of the committee felt that this bill will be very helpful to our cities and towns in collecting delinquent taxes and utility bills. New Hampshire Legal Assistance representative felt that the rights of the tenants would not be compromised. Vote 9-4.

4833L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

allowing a town to apply certain rental welfare assistance payments to  
certain amounts owed to a town for the assisted person's  
landlord's delinquent water, sewer, electricity or  
tax payments and relative to interest rates on  
security deposits.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Guidelines. Amend RSA 165:1, II by inserting after subparagraph (c) the following new subparagraph:

(d) The process for the application of rents under RSA 165:4-b, if the municipality uses the off-set provisions of RSA 165:4-a.

2 New Sections; Application of Rents Paid by the Municipality; Process for Application of Rents Paid by the Municipality. Amend RSA 165 by inserting after section 4 the following new sections:

165:4-a Application of Rents Paid by the Municipality. Whenever the owner of property rented to a person receiving assistance under this chapter is in arrears in sewer, water, electricity, or tax payments to the municipality, the municipality may apply, upon approval of the governing body, the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. For purposes of this section, a payment shall be considered "in arrears" if more than 30 days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13.

165:4-b Process for Application of Rents Paid by the Municipality. Prior to utilizing the optional offset provisions of RSA 165:4-a, the governing body shall adopt, as part of the guidelines required under RSA 165:1, II, rules governing the process, includ-

ing a policy which specifically sets out which bill shall be offset first and any further priority of such offset payments and a procedure for notifying the landlord.

3 Payment by Voucher and Application of Rents Paid by the Municipality. Amend RSA 540:9-a to read as follows:

540:9-a Payment by Voucher *and Application of Rents Paid by the Municipality.* Any rental payment or partial rental payment tendered by the tenant in the form of a written promise to pay on behalf of the tenant by a municipality of this state, *and any application by the municipality of amounts owed to it by a landlord pursuant to RSA 165:4-a*, shall constitute payment by the tenant of the amount represented in the voucher, *and of any amount applied by the municipality to delinquent balances of the landlord*; provided, that this section shall not be construed to obligate a landlord to accept partial rental payments or payments tendered after the expiration of the notice to quit.

4 Interest Rates on Security Deposits. Amend RSA 540-A:6, IV(a) to read as follows:

IV.(a) A landlord who holds a security deposit for a period of one year or longer shall pay to the tenant interest on the deposit at a rate equal to [5 percent or] the interest rate paid on regular savings accounts in the New Hampshire bank, savings and loan association, or credit union in which it is deposited, [whichever is larger,] commencing from the date the landlord receives the deposit or from September 13, 1977, whichever is later. If a landlord mingles security deposits in a single account under RSA 540-A:6, II(b), the landlord shall pay the actual interest earned on such account proportionately to each tenant.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows a town to apply rents which a property owner would have received on behalf of an assisted person to the property owner's delinquent sewer, water, electricity or tax payments.

This bill also requires that landlords pay tenants interest on security deposits at a rate equal to the interest rate paid on regular savings accounts rather than 5 percent or the interest rate paid on regular savings accounts, whichever is greater, as under current law.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1170-L**, relative to the use of revenue derived from parking meters for public transportation systems. INEXPEDIENT TO LEGISLATE

Rep. David M. Perry for Municipal and County Government: HB 1170 asked to have "Public Transportation" added to RSA 231:131, the statute that allows parking meters in municipalities. If passed, this bill would have allowed monies received from parking meters to be used for Public Transportation, as well as the other allowed expenditures. The majority of the committee felt that the present limits on expenditures should remain as they are. There was no large support for the bill. It was voted Inexpedient by a vote of 10 to 3. Vote 10-3.

Adopted.

**HB 1291-L**, granting municipalities an option for more frequent billing and collection of property taxes. **INEXPEDIENT TO LEGISLATE**

Rep. John S. Barnes, Jr. for Municipal and County Government: The purpose of HB 1291 was to allow quarterly tax billing as a means of improving municipal cash flow. Testimony was mixed, with the New Hampshire tax collectors expressing concerns, as did mortgage bankers. In contrast, fiscal advisors to the city of Concord testified that although there are some additional costs to quarterly billing, cash flow can be improved. Although the committee voted HB 1291 Inexpedient to Legislate by a vote of 10-6, committee members feel the concept has some merits which ought to be considered in future legislation. Vote 10-6.

Rep. Pepino moved that the words Refer for Interim Study be substituted for the report of the Committee, Inexpedient to Legislate.

Rep. Grodin spoke to the motion.

Referred for Interim Study.

**HB 1452-FN-L**, allowing the county treasurer to use call bonds and lines of credit as financial management tools. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Municipal and County Government: This bill enlarges the financing options for county treasurers to include call bonds and lines of credit. This gives counties the same authority as municipalities presently have for borrowing. It also adds lines of credit to the statutes, a method currently employed by both municipalities and counties, but not referred to in statute. All testimony was favorable. Vote 16-0.

4802L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Added to Penalty Provision. Amend RSA 24:16 to read as follows:

24:16 Penalty. Any violation of the provisions of [the previous section or of provisions of] ***RSA 24:15***, ***RSA 29:8***, ***RSA 29:8-b***, or ***RSA 33:2-a*** shall subject the person or persons so violating to the provisions of RSA [64:7] ***661:9***, providing for removal from office. A petition of 5 resident taxpayers of the county may be made to the superior court for such removal or for removal for official misconduct.

2 New Section; Use of Call Bonds and Lines of Credit. Amend RSA 29 by inserting after section 8-a the following new section:

29:8-b Borrowing Authority of County Treasurer.

I. In addition to the borrowing authority granted to the county treasurer under RSA 29:8 and RSA 29:8-a, the county treasurer, upon the order of the commissioners with the approval of the executive committee of the county convention, shall also have the authority to go to market for lines of credit, and shall have the authority to issue call bonds, as provided in RSA 33:2-a.

II. If the sum to be borrowed, in paragraph I, together with the collected taxes of the same fiscal year, shall exceed by 10 percent the total appropriations made for that year by the county convention, the approval of the county convention for such excess borrowing must be secured, unless the convention has not acted upon the appropriations for the ensuing year.

III. Nothing in this section shall be deemed or construed as authority to exceed appropriations made by the county convention.

3 Reference to Borrowing Authority of County Treasurer Added. Amend RSA 31:94-e to read as follows:

31:94-e Transition Period. Where the provisions of RSA 31:94-a are adopted by a town, city or county, the selectmen, city treasurer or county treasurer, respectively, may borrow money in anticipation of taxes, for the transition period in the manner provided by RSA 33:7, I for cities and towns, and RSA 29:8, **29:8-b, and 33:2-a** for counties.

4 Repayment of Loans by Municipalities and Counties. Amend RSA 33:2 to read as follows:

33:2 Repayment of Loans. Municipalities and counties shall not issue any bonds or notes payable on demand. They shall provide for the payment of all loans issued under authority of this chapter except notes issued under authority of RSA 33:7, **33:7-a, and 33:7-b**, in annual payments which shall be so arranged that *either: (a) each annual payment of principal prior to the last annual payment is not less than the amount that would result from dividing the total principal amount of the loan by the maximum number of years for which the loan may be outstanding under this section, provided that the aggregate amount of principal payable at the end of the first 1/3 of the term of the loan and at the end of the second 1/3 of the term of the loan is at least 1/3 and 2/3, respectively, of the total principal amount of the loan, or (b) the amount of the annual payment of principal and interest in any year on account of any loan shall not be less than the amount of principal and interest payable in any subsequent year by more than 2 percent of the principal of the entire loan. The total amount of such payments shall be sufficient to extinguish the entire loan on account of which they are made at maturity. The first payment of principal on any loan shall be made not later than 2 years and the last payment not later than 30 years after the date thereof, provided, however, that no loan issued to pay for public work or improvement shall exceed the expected useful life of said public work or improvement as determined by the governing board or the city councils in the case of cities, or the county commissioners in the case of counties. Each authorized issue of notes or bonds shall be a separate loan. The amount of each payment of principal and interest on all loans shall, without vote of the municipality or county, be annually assessed and collected. Sinking funds and debt retirement funds for the payment of debt shall not hereafter be established.*

5 Reference to Borrowing Authority of County Added. Amend RSA 33:2-a to read as follows:

33:2-a Call Bonds. The issuance of bonds or notes hereunder which are subject to call, at the election of the municipality **or of the county**, before the date fixed for final payment thereof, is authorized. The bonds or notes, in such cases, shall contain provisions setting forth the method or methods by which the option to call may be exercised, the procedure for payment in the event of call, and the legal effect of the making of the call. If such call bonds or notes are payable to bearer, they may be called, at the election of the municipality **or of the county**, on any date when interest thereon shall become payable, written notice of such election first having been given to the bank, banks or other institutions, if any, at which they are stated on their face to be payable, and published for 4 consecutive weeks at least once a week in one or more newspapers printed and published in Boston, Massachusetts, and in one newspaper printed and published in the state of New Hampshire and circulating in said municipality **or county**, the last such publications being at least 14 days before the date specified for payment; and thereupon, after the date so specified, interest thereon shall cease. If such call bonds or notes are payable to the registered holder, they may be called, at the election of the municipality **or of the county**, on any date when



interest thereon shall become payable, written notice of such election first having been given to the registered holder by registered mail, postage prepaid, to such holder at his last address, as registered in the books of the municipal *or of the county* treasurer; and thereupon, after the date so specified, interest thereon shall cease.

6 Authority of Cities and Towns to Establish Lines of Credit for Tax Anticipation Notes. Amend RSA 33:7, I to read as follows:

I. CITIES AND TOWNS. Cities and towns may incur debt in anticipation of the taxes of the financial year in which the debt is incurred, in order to pay current maintenance and operation expenses, and may issue notes *and establish lines of credit* therefor to an aggregate principal amount not exceeding the total tax levy during the preceding financial year, provided that after the tax levy of the current year has been determined any city or town may borrow an amount not exceeding in the aggregate the total tax levy of the city or town for the current financial year. In order to meet necessary expenses which may arise during the period from the beginning of the financial year to the date of the annual town meeting, the treasurer of any town, with the approval of the selectmen, may issue notes *and establish lines of credit*, without a vote of the town therefor, to an aggregate principal amount not exceeding 30 percent of the total receipts from taxes during the preceding financial year.

7 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill increases the borrowing authority of the county treasurer by allowing him to also use call bonds and lines of credit.

The bill specifies how municipalities and counties shall make their annual loan repayments.

The bill also clarifies the authority of cities and towns to establish lines of credit for tax anticipation notes.

Adopted.

Report adopted.

Ordered to third reading.

**HR 51**, encouraging subdivisions of state government to privatize. **INEXPEDIENT TO LEGISLATE**

Rep. Thomas B. Salatiello for Municipal and County Government: As there are pros and cons to privatization, the Committee does not feel it appropriate to endorse HR 51 as representing the sense of the House, particularly when only one person spoke in favor of this resolution. Communities, if they so choose, already have the option to privatize. Vote 15-1.

Adopted.

**HB 1236-FN**, requiring equal medical, vocational and educational opportunities for female and male inmates and requiring female inmates to be incarcerated within New Hampshire. **INEXPEDIENT TO LEGISLATE**.

Rep. Scott E. Green for State Institutions and Housing: Male and female prisoners are being given equal access to the vocational and educational resources of the Department of Corrections. The bill is not needed. Vote 13-3.

Adopted.

**HB 1445-FN-L**, clarifying the definition of a year-round dwelling. **REFER FOR INTERIM STUDY**.

Rep. Scott E. Green for State Institutions and Housing: The majority of the Committee felt that the issue of what constitutes a year-round dwelling should be ad-

dressed since it is apparent that the property and voting rights of some of New Hampshire residents are at unnecessary risk through no fault of their own. Therefore the Committee opted for Interim Study. Vote 9-7.

Referred for Interim Study.

**HB 1460-FN**, relative to land fee increases in manufactured housing parks. REFER FOR INTERIM STUDY.

Rep. John J. McCarthy, Jr. for State Institutions and Housing: The Committee is supportive of the concept expressed in this bill, but to legislate rent control might prove ineffective and counterproductive. To do so might harm not only the mobile park owners, but also in the long run, the very tenants they serve. The Committee would like to look at this bill again, along with House Bill 695, which this body sent to Interim Study on February 6, in the hope that the Committee can merge both bills and return with a responsible statute that would serve the needs of both tenants and owners of manufactured housing parks. Vote 14-2.

Rep. Salatiello moved that the words Ought to Pass be substituted for the report of the Committee, Refer to Interim Study and spoke to his motion.

Reps. McCarthy, Dowling and Coffey spoke against.

Reps. Parks and Lozeau spoke in favor.

Rep. Scott Green spoke against and yielded to questions.

Roll call request sufficiently seconded.

Rep. Ann Torr declared a conflict of interest and did not participate.

The question being the adoption of the substitute motion.

#### YEAS 127

#### NAYS 182

#### YEAS 127 BELKNAP

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Salatiello, Thomas B.

Golden, Paul A.  
Rice, Thomas E. P., Jr.

Joscelyn, William W.  
Rosen, Ralph J.

#### CARROLL

Allard, Nanci A.  
Dickinson, Howard C.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.

Daly, Robert J., Jr.  
Saunders, Howard N.

#### CHESHIRE

Burnham, Daniel M.  
Crutchley, Donald O.  
Riley, William A.

Champagne, Richard L.  
Kingsbury, H. Thayer

Clark, Eugene W.  
Lynch, Margaret A.

#### COOS

Coulombe, Henry W.  
Oliver, Terry D.

Hawkinson, Marie C.  
Pratt, Leighton C.

Horton, Lynn C.

#### GRAFTON

Adams, Carl S.  
Copenhaver, Marion L.  
Nielsen, Niels F., Jr.

Arnesen, Deborah L.  
Guest, Robert H.  
Nordgren, Sharon L.

Chambers, Mary P.  
McIlwaine, Deborah P.

#### HILLSBOROUGH

Ackerman, Philip M.  
Baldizar, Barbara J.  
Clémmons, Jane A.  
Daigle, Robert A.

Andrews, Frederick B.  
Buckley, Raymond  
Cote, David E.  
Daniels, Gary L.

Baker, George H., Sr.  
Chasse, Richard D.  
Crotty, Edward J.  
Dodge, Emma M.

Donovan, Francis X.  
 Ferlan, Arthur P.  
 Gureckis, Adam C., Sr.  
 Jean, Romeo W.  
 King, Frank P.  
 Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 Moore, Elizabeth A.  
 Smith, Leonard A.  
 White, John M.

Drabinowicz, A. Theresa  
 Gage, Ruth E.  
 Hall, Betty B.  
 Jordan, Mary H.  
 L'Heureux, Robert J.  
 Lozeau, Donnalee M.  
 McDowell, James E.  
 O'Rourke, Joanne A.  
 Soucy, Donna M.

Dwyer, Patricia R.  
 Gosselin, Gerald O.  
 Janas, Gregory  
 Kelley, Robert N.  
 Leclerc, Charles J.  
 Martin, Mary Ellen  
 Mercer, Robert S.  
 Pepino, Leo P.  
 Tate, Joan C.

### MERRIMACK

Anderson, Eleanor M.  
 Braiterman, Thea  
 Fillion, Paul R.  
 Molner, Mary E.  
 Yeaton, Charles B.

Apple, Lowell D.  
 Daneault, Gabriel J.  
 Jacobson, Alf E.  
 Smith, Gerald R.

Barberia, Richard A.  
 Dunn, Miriam D.  
 Letourneau, George E.  
 Wallner, Mary Jane

### ROCKINGHAM

Bell, Juanita L.  
 Christie, Andrew, Jr.  
 Cooke, Annette M.  
 Felch, Charles H., Sr.  
 Klemarczyk, Thaddeus E.  
 McGovern, Cynthia A.  
 Warburton, Calvin

Boucher, William P.  
 Clark, Martha Fuller  
 DiPietro, Carmela M.  
 Greene, Elizabeth A.  
 Magoon, Harold F.  
 Palazzo, Frank J.  
 Welch, David A.

Caswell, Albert, Jr.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Hoar, John, Jr.  
 Malcolm, Kenneth W.  
 Thayer, Leroy C.

### STRAFFORD

Brown, Julie M.  
 Frechette, Roland A.  
 Keans, Sandra B.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Vincent, Francis C.  
 Young, John B.

Corte, Arthur B.  
 Hambrick, Patricia A.  
 Marston, Robert E.  
 Nehring, William H.  
 Parks, Joe B.  
 Wall, Janet G.

Douglass, Clyde J.  
 Jankowski, Peter M.  
 Martling, W. Kent  
 O'Brien, John  
 Pelley, Janet R.  
 Wheeler, Katherine W.

### SULLIVAN

Allison, David C.

Burling, Peter Hoe

### NAYS 182

### BELKNAP

Accornero, Harry  
 Hawkins, Robert S.  
 Shibley, Arnold P.  
 Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
 Holbrook, Robert G.  
 Turner, Robert H.  
 Ziegra, Alice S.

Cain, Thomas G.  
 Johnson, Carl R.  
 Vogler, Charles C.

### CARROLL

Beach, Mildred A.  
 Wiggin, Gordon E.

Chandler, Gene G.

Foster, Robert W.

### CHESHIRE

Cole, Kenneth A.  
 Grodin, Richard A.

Cole, Stacey W.  
 Hogan, James B.

Feuer, Joseph N.  
 Hunt, John B.

Kennison, Wayne A.  
Metzger, Katherine H.  
Perry, David M.

LaMar, David M.  
Mohr, Frederick C., Jr.  
Sawyer, Alfred P.

Laurent, John J.  
Pearson, Gertrude B.  
Young, David A.

### COOS

Brungot, Catherine V.  
Marsh, Beaton

Buckley, C. Fitzgerald  
Theriault, Romeo J.

Guay, Lawrence J.

### GRAFTON

Brown, Channing T.  
Hill, Richard L.  
Lougee, Richard W.  
Teschner, Douglass P.  
Ward, Kathleen W.

Christy, C. Dana  
LaMott, Paul I.  
Markley, J. Keith  
Trelfa, Richard T.  
White, Paul R.

Driscoll, William J.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Wadsworth, Karen O.

### HILLSBOROUGH

Ahrens, Frederick G.  
Arnold, Barbara E.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Drolet, Paul L.  
Elliott, Larry G.  
Ford, Nancy M.  
Green, Scott E.  
Hanselman, Gregory L.  
Holden, Carol H.  
Johnson, Lionel W.  
Kurk, Neal M.  
Laughlin, J. Francis  
Mason, Howard F.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Stiles, Walter A.  
Upton, Barbara A.  
Wheeler, Robert L.

Alukonis, David J.  
Baroody, Benjamin C.  
Carpenter, Karen A.  
Desrosiers, William J.  
Durham, Susan B.  
Emerton, Lawrence A.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Healy, Daniel J.  
Hultgren, David D.  
Keane, Cornelius J.  
Lachut, Ervin R.  
Lawrence, Norman B.  
McNerney, Daniel P.  
Ouellette, Robert O.  
Peters, Stanley W.  
Riley, Frances L.  
Sallada, Roland A.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.  
Wright, George W.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Domaingue, Jacquelyn M.  
Dyer, Merton S.  
Fields, Dennis H.  
Goulet, Maurice E.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Jasper, Shawn N.  
Kelley, Dana F.  
Larochelle, Roger B.  
Lown, Elizabeth D.  
Messier, Irene M.  
Packard, Bonnie B.  
Record, Alice B.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Turgeon, Roland M.  
Wheeler, David K.

### MERRIMACK

Chandler, Earle W.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Millard, Elizabeth S.  
Teague, Bert

Chandler, John P.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Johnson, C. William  
Nichols, Avis B.  
Trombly, Rick A.

Christie, Thomas J.  
Gross, Caroline L.  
Hayes, Robert C.  
Lewis, Mary Ann  
Stio, Peter M.  
Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
Coffey, John J.  
Drake, Herbert R.  
Flanders, David A.  
Gage, Beverly A.

Benton, Richardson D.  
Connell, David R.  
Dube, LeRoy S.  
Flanders, John W., Sr.  
Haynes, Richard

Campbell, Marilyn R.  
Dowling, Patricia A.  
Flanagan, Natalie S.  
Ford, Bert H.  
Hoelzel, Kathleen M.



Johnson, Robert A.	Katsakiores, George N.	Katsakiores, Phyllis
Klemm, Arthur P., Jr.	McCarthy, John J., Jr.	McKinney, Betsy
Packard, Sherman A.	Raynowska, Bernard J.	Rosencrantz, James R.
Roulston, Donald L.	Rubin, George R.	Schanda, Joseph, Sr.
Schmidtchen, Rowland H.	Seward, Russell G.	Simon, Peter M.
Skinner, Patricia M.	Smith, Arthur W.	Syracusa, Anthony
Sytek, Donna P.	Sytek, John J.	Tufts, Arthur
Vaughn, Charles L.	Wells, Henry E.	Weyler, Kenneth L.
Woods, Deborah L.		

### STRAFFORD

Flynn, Edward J.	Foss, Patricia H.	Sullivan, Henry P.
Torr, Ralph W.	Tsiros, William	

### SULLIVAN

Behrens, Thomas A.	Krueger, Richard H.	Lindblade, Eric N.
Middleton, John A.	Peyron, Fredrik	Porter, Robert H.
Rodeschin, Beverly T.	Schotanus, Merle W.	
and the motion lost.		
Report adopted.		

**HB 1474-FN-A**, relative to taxability of real estate transfers. OUGHT TO PASS WITH AMENDMENT.

Rep. Roland A. Sallada for Ways and Means: This bill clarifies the applicability of the Real Estate Transfer Tax when companies are liquidated. A recent court ruling in the case of Lordan Lumber necessitated the change in the law which is designed to assure that the state will not lose tax revenue when corporations dissolve, and to close a potential loophole which might be a tempting target for abuse. The amendment includes language requested by the New Hampshire Bankers Association to cover foreclosures, as well as a technical change requested by the Department of Revenue Administration to make the statute consistent with federal regulations covering tax-free reorganizations. Vote 14-0.

4752L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Contractual Transfers as Consideration. Amend RSA 78-B:1-a, IV to read as follows:

IV. "Price or consideration" means the amount of money, or other property and services, or property or services valued in money which is given in exchange for real estate, and measured at a time immediately after the transfer of the real estate. *The value of such consideration in contractual transfers where the property exchanged includes the surrender of rights or choses-in-action by the transferee, including the surrender of shareholder or beneficial interest holder rights in liquidation of a corporation or other entity, the forgiveness of an obligation owed to the transferee, or the assumption of an obligation by the transferee, shall be no less than the fair market value of the real estate or interest in such real estate as determined by the department pursuant to RSA 78-B:9, III; except that in the case of a deed given in lieu of a foreclosure, the value of such consideration shall be the amount of the debt forgiven or the amount of the debt assumed by the transferee in exchange for the real property.*

2 New Paragraph; Exception to the Real Estate Transfer Tax. Amend RSA 78-B:2 by inserting after paragraph XIII the following new paragraph:

XIV. To a transfer of title pursuant to a merger, consolidation or other reorganization qualifying as a tax-free reorganization as defined under the United States Internal Revenue Code of 1986, section 368, as amended.

3 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill, for the purposes of the real estate transfer tax, defines the consideration in certain contractual transfers to be the fair market value of the real estate or interest in the real estate as determined by the department of revenue administration; except in the case of a deed given in lieu of a foreclosure in which case value shall be the amount of the debt forgiven or the amount of the debt assumed by the transferee.

The bill also exempts certain transfers of title pursuant to merger, consolidation or other reorganization qualifying as a tax-free reorganization from the real estate transfer tax.

Adopted.

Report adopted.

Ordered to third reading.

#### RECONSIDERATION

Having voted with the prevailing side, Rep. Scanlan moved that the House reconsider its action whereby it adopted the Committee Report of Inexpedient to Legislate on **HB 1335**, relative to plastic holding devices used in packaging.

Rep. Leonard Smith spoke in favor.

Rep. Scanlan spoke against.

On a division vote, 88 members having voted in the affirmative and 205 in the negative, reconsideration lost.

#### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet February 20 at 1:00 p.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

**HB 1136**, relative to regulation of small loans.

**HB 1137**, relative to nondepository first mortgage bankers and brokers.

**HB 1139**, relative to persons licensed to offer second mortgage home loans.

**HB 1156**, changing the annual rate of interest on judgments and business transactions.

**HB 1175**, creating a committee to study medical liability insurance in New Hampshire.

**HB 1451-FN**, relative to the transportation of pupils living within a certain distance from the school to which they are assigned.

**HB 1278-FN-L**, permitting towns to make bylaws for refuse disposal in specifically-designated bags and altering district court procedure for levying fines against bylaws violators.

**HB 1350**, revising the laws that require a prescription to purchase a hypodermic needle.

**HB 1357**, establishing a committee to study the concept of in-home care as an alternative to institutionalized care.

**HB 1192**, relative to remedies under the whistleblowers' protection act.

**HB 1434**, requiring employers advertising for replacement workers during a strike to state such in any advertisement.

**HB 1172**, increasing the amount of the homestead right.

**HB 1173**, allowing a beneficial interest owner of a trust owning real estate to qualify for property tax exemptions and credits and allowing the veterans' exemption for service in the Gulf War.

**HB 1351**, creating a committee to review the laws governing tax-exempt property and to study the concept of and criteria for payment in lieu of taxes by tax-exempt properties in response to HBI 2 of the 1991 session.

**HB 1465-L**, relative to the taxation and transfer of restricted land.

**HB 1220-FN-L**, changing the method for calculating stumpage values for purposes of assessing the yield tax on timber.

**HCR 21**, urging the U.S. Congress to adopt uniform recycling product labeling standards based on standards developed by the Northeast Recycling Council.

**HB 1124-L**, allowing a town to apply certain rental welfare assistance payments to certain amounts owed to a town for the assisted person's landlord's delinquent water, sewer, electricity or tax payments and relative to interest rates on security deposits.

**HB 1452-FN-L**, allowing the county treasurer to use call bonds and lines of credit as financial management tools.

**HB 1474-FN-A**, relative to taxability of real estate transfers.

### SUSPENSION OF RULES

Rep. Hager moved that the rules be so far suspended as to permit the Committee on Appropriations to hold hearings on the following House Bills without the required notice **HB 1143-FN-A**, relative to administrative fines, court fines for violations of weights and measures law, continually appropriating a special account to the bureau of weights and measures, and increasing the per-brand registration fee for commercial feed; **HB 1155-L**, relative to school attendance laws and homeless children; **HB 1468-FN-L**, relative to special education catastrophic aid; **HB 1211**, permitting public employees to file an unfair labor practice complaint after a certain time without exhausting administrative remedies, and spoke to her motion.

Adopted by the necessary two-thirds.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolled bills reports only.

Adopted.

The House recessed at 4:40 p.m.

### RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 12

Thursday, February 20, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O Compassionate God, save us from anxiety; and when we find it hard to let go of fear, give us the strength to commit ourselves to You more fully, so that we may be more effective instruments of Your peace. Amen.

Rep. Julie Brown led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Morse, Walsh, Senter, Stewart, Parr, Kinney, Domini, Asplund and Patricia Cote, the day, illness.

Reps. Drake, Dewhirst, George Katsakiores, Phyllis Katsakiores, Hashem, Rheault, Rodgers, Melnick, Carter, Stapleton, Jeffrey Brown, Kincaid, Flint, Spencer, Nelson and Maviglio, the day, important business.

Rep. Appleby, the day, illness in the family.

### INTRODUCTION OF GUESTS

A. C. Rhomer, guest of Rep. McDowell. Laurie Accornero and the teachers and students of the 5th, 6th and 7th grades of the Laconia Christian School, daughter and guests of Rep. Accornero. Bruce Cornelius, Dave Trepany, Dan Belanger and Dave Joki, guests of the Merrimack Delegation. Gladys Gosselin, wife of Rep. Gosselin. Burton Williams, guest of Rep. Shackett.

### SENATE MESSAGES

#### CONCURRENCE

**HB 1370**, to provide rotating 4-year county commissioner terms in Rockingham county.

#### CONCURRENCE WITH AMENDMENTS

**SB 172-FN-A**, relative to enhanced family care facilities and making an appropriation therefor.

**SB 220-FN**, relative to the district court's jurisdiction over certain children and making an appropriation therefor.

#### REQUESTS CONCURRENCE

**SB 326-FN**, relative to the Lamprey solid waste district.

**SB 343**, relative to reconsideration of town meeting and school district meeting votes.

**SB 348**, establishing a committee to study the present and future needs of the correctional system.

**SB 372**, authorizing industrial development financing for the Manchester Airport.

**SB 380**, relative to membership on planning boards in towns with the town council form of government and relative to the 4-year exemption from certain subdivision regulations and zoning ordinances.

**SB 385**, to provide insurance coverage for court-ordered psychiatric and psychological services.

**SB 391**, relative to the use of surplus campaign contributions by candidates for state office.



**SB 399-FN-L**, requiring rabies shots for cats.

**SB 400-FN-A-L**, requiring fees in addition to licensure fees for certain dogs which are not spayed or neutered and using the increase to fund a state animal population control program and continually appropriating the companion animal population control fund.

**SB 403-L**, requiring that dogs and cats placed by shelters and pounds be spayed or neutered.

**SB 420-FN**, relative to interviewing children under the provisions of the Child Protection Act.

**SB 472-FN**, relative to the victims' assistance fund, the definition of obscene material, modifying sexual assault statutes, and continuing a study committee.

**SB 474-FN**, relative to regular sessions of a district court in towns within the district.

**SB 475-FN**, relative to retirement system benefits for withdrawing nongovernmental employees.

### RESOLUTION

Its introduction having been approved by the Rules Committee: Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Concurrent Resolution number 29, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HCR

#### First, second reading and referral

**HCR 29**, urging Congress to reduce military spending in light of the end of the Cold War. (Arnesen of Grafton Dist. 7; A. Merrill of Strafford Dist. 4; Chambers of Grafton Dist. 12; I. Pratt of Cheshire Dist. 3; C. Kane of Rockingham Dist. 28; Pressly of Dist. 12; Hollingworth of Dist. 23; Shaheen of Dist. 21; McLane of Dist. 15; Nelson of Dist. 13 - To State-Federal Relations)

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Grodin moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**HB 1396-FN**, authorizing the New Hampshire municipal bond bank to sell bonds guaranteed by the State of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills, and to clean up hazardous waste sites, solid waste sites and superfund sites. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: Testimony on this bill pointed to the needs of municipalities in the State of New Hampshire in this area. The subcommittee agrees if we guarantee only 50 percent of these bonds it will serve more communities. Vote 19-0.

4972L

### Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

authorizing municipalities to incur debt in the form of bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills and to clean up hazardous waste sites.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Policy. It is hereby declared to be the policy of the state that for the benefit of New Hampshire's citizens, businesses, and future generations of the state that unsafe and unsanitary landfills must be closed and hazardous waste sites, solid waste sites and superfund sites must be cleaned up in an orderly and cost effective manner. The purpose of this act is to extend authority to municipalities and counties to issue bonds guaranteed by the state of New Hampshire to assist such entities in the financing of the closings of landfills and the cleanup of hazardous waste sites, solid waste sites and superfund sites.

2 New Section; Exclusion From Debt Limit. Amend RSA 33 by inserting after section 6-b the following new section:

33:6-c Exclusion From Debt Limit; Waste Site Cleanups. Municipalities may incur debt for cleanup projects pursuant to RSA 147-B and for the closing or cleanup of landfills and other solid waste facilities as defined in RSA 149-M by the issue of bonds or notes authorized under this chapter and RSA 149-M:24-a. Any debt incurred for this purpose shall be outside the debt limit prescribed in this chapter. Such debt shall at no time be included in the net indebtedness of any municipality for the purposes of determining its borrowing capacity.

3 New Sections; Cleanup of Landfills, Hazardous Waste Sites, Solid Waste Sites, and Superfund Sites. Amend RSA 149-M by inserting after section 24 the following new sections:

149-M:24-a Cleanup of Waste Sites; Rulemaking. In addition to any other powers conferred upon cities, towns, districts and counties by this chapter or by RSA 147-B, cities, towns, districts and counties shall have the power to finance costs incurred for the closing and cleanup of landfills and other solid waste facilities and for the closing and cleanup of hazardous waste sites as provided in RSA 147-B. The commissioner of environmental services shall adopt rules pursuant to RSA 541-A, relative to the administration of this section.

149-M:24-b State Guarantee. In view of the public benefits resulting from the proper closing of landfills and other solid waste facilities and for the closing and cleanup of hazardous waste sites, the governor and council are authorized in the name of the state of New Hampshire to guarantee unconditionally, but at no time in excess of the total aggregate sum for the entire state of \$50,000,000, the payment of all or any portion, as they may find to be in the public interest, of the principal of and interest on any bonds or notes issued by any city, town, district or county for the closing and cleanup of any landfill or any other solid waste facility or the closing and cleanup of any hazardous waste site, and the full faith and credit of the state are pledged for any such guarantee. However, the amount of the state guarantee for bonds issued by any municipality under this chapter shall not exceed 50 percent of the total amount of the eligible cost for the closing and cleanup of any landfill or any solid waste facility or the closing and cleanup of any hazardous waste site. The outstanding amount of principal and interest on such bonds and notes, the payment of which has been guaranteed by the state under the provisions of this section, shall at no time

exceed the amount of \$50,000,000. The state's guarantee shall be endorsed on such bonds or notes by the state treasurer, and all notes or bonds issued with the state guarantee shall be sold at public sealed bidding to the highest bidder. Any and all such bids may be rejected and a sale may be negotiated with the highest bidder. In the event of default in payment of any such notes or bonds, the state may recover any losses suffered by it in an action against a municipality or county, as provided in RSA 530, provided, further, that in accordance with RSA 35-A:29, the foregoing requirement for public sealed bidding shall not be applicable to any bonds or notes or both so guaranteed which are sold to the New Hampshire municipal bond bank, and any bonds or notes or both so guaranteed may be sold to the New Hampshire municipal bond bank at private sale in accordance with the provisions of RSA 35-A.

4 Effective Date. This act shall take effect 60 days after its passage.

**HB 1358-A**, making an appropriation for the new Manchester district court facility. **INEXPEDIENT TO LEGISLATE.**

Rep. William J. Driscoll for Public Works. The Committee is very sympathetic to the conditions at the present Manchester facility, but at this time many problems need to be overcome and the Department of Administrative Services needs to take more definitive actions to help correct the situation. A companion bill HB 1178 extends the lapse date on last years \$250,000 expenditure to study, design, etc. a new location for the Manchester District Court, and it is hoped that HB 1178 will be utilized by the appropriate parties. Vote 13-0.

**HB 1425-A**, relative to railroad rehabilitation and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene G. Chandler for Public Works: The Committee has worked with the Department of Transportation and various other officials, sponsors, etc. and the result will allow the rail line from Shelburne to North Stratford to apply for and receive 1 million of the 1.6 million dollars in Federal money available for railroads in New Hampshire. This rail line is ready to use the money, has its soft match in place, and the Committee felt these funds should be used before they expire at the end of the year. This rail line is very important to the north country and specifically James River. The bill is Inexpedient to Legislate as agreement has been reached on the availability and use of existing federal funds and legislation is not necessary at this time. Vote 13-0.

### **SPECIAL ORDER**

**HB 1332**, removing the prohibition on use or possession of tobacco products by minors. **OUGHT TO PASS WITH AMENDMENT.** (Amendment adopted 2/11/92. Pending question order to third reading.)

Rep. Virginia K. Lovejoy for Children, Youth and Juvenile Justice: This bill would remove prohibition on the possession of tobacco products by minors. The present law on the books, dealing with possession of tobacco products by minors, never had a public hearing, and has had many problems in attempts to enforce, plus significant cost to cities and towns. Vote 12-2.

Rep. Jasper offered a floor amendment.

5088L

### **Floor Amendment**

Amend the title of the bill by replacing it with the following:

## AN ACT

modifying the penalties for purchase, use or possession of tobacco products.

Amend the bill by replacing all after the enacting clause with the following:

1 Purchase, Use or Possession of Tobacco Products by Minors; Penalties. Amend RSA 78:12-b, IV to read as follows:

IV. Any person who violates paragraph II of this section shall *forfeit the tobacco product*. *Any person who violates paragraph II of this section 2 or more times shall* be guilty of a violation and shall be punished by a fine of not more than \$25 for the first offense, and not more than \$50 for the second and subsequent offenses. No person 12 years of age or younger shall be prosecuted under this section.

2 Children in Need of Services; Exception Added. Amend RSA 169-D:2, IV(c) to read as follows:

(c) A child who has committed an offense which, if committed by an adult, would be a violation under the criminal code of this state; or has committed an offense which, if committed by a person 16 years of age or older, would be a violation under the motor vehicle code of this state; or has violated an ordinance or bylaw of a city or town; *provided, that "child in need of services" shall not mean a child who has committed an offense under RSA 78:12-b.*

3 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill reduces the first offense penalty for minors convicted of purchasing, possessing or using tobacco products to forfeiture of the tobacco product.

This bill exempts persons who purchase tobacco products in violation of RSA 78:12-b from the definition of "children in need of services."

Rep. Jasper spoke in favor and yielded to questions.

Reps. Lockwood and Robinson spoke against and yielded to questions.

Reps. Elizabeth Moore and Coffey spoke in favor.

Rep. William McCain spoke against.

Roll call request sufficiently seconded.

Rep. Corte declared a conflict of interest and did not participate.

The question being the adoption of the floor amendment.

## YEAS 165

## NAYS 166

YEAS 165  
BELKNAP

Bartlett, Gordon E.  
Johnson, Carl R.  
Shibley, Arnold P.

Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Holbrook, Robert G.  
Rosen, Ralph J.

## CARROLL

Beach, Mildred A.

Bradley, Jeb E.

## CHESHIRE

Burnham, Daniel M.  
Cole, Stacey W.  
Feuer, Joseph N.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Pratt, Irene A.  
Young, David A.

Champagne, Richard L.  
Crutchley, Donald O.  
Hunt, John B.  
LaMar, David M.  
Pearson, Gertrude B.  
Riley, William A.

Clark, Eugene W.  
Doucette, Richard F.  
Kennison, Wayne A.  
Laurent, John J.  
Perry, David M.  
Sawyer, Alfred P.



**COOS**

Buckley, C. Fitzgerald  
Marsh, Beaton  
Pratt, Leighton C.

Coulombe, Henry W.  
Merrill, Gerald P.

Guay, Lawrence J.  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Copenhaver, Marion L.  
Lougee, Richard W.  
Teschner, Douglass P.

Arnesen, Deborah L.  
Hill, Richard L.  
Markley, J. Keith  
Trelfa, Richard T.

Christy, C. Dana  
Larson, Nils H., Jr.  
Shackett, Ralph E.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ackerman, Philip M.  
Amidon, Eleanor H.  
Bourque, Ann J.  
Chasse, Richard D.  
Desrochers, Gerard T.  
Durham, Susan B.  
Green, Scott E.  
Hall, Betty B.  
Janas, Gregory  
Kelley, Dana F.  
Laroche, Roger B.  
Lefebvre, Roland J.  
McNerney, Daniel P.  
Murphy, Robert E.  
Riley, Frances L.  
Smith, Leonard A.  
Wheeler, David K.

Ahrens, Frederick G.  
Arnold, Barbara E.  
Buckley, Raymond  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Greenglass, Alan B.  
Holden, Carol H.  
Jasper, Shawn N.  
King, Frank P.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Ouellette, Robert O.  
Sallada, Roland A.  
Stiles, Walter A.  
Wright, George W.

Alukonis, David J.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Daniels, Gary L.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Haettenschwiller, Alphonse  
Hultgren, David D.  
Jean, Romeo W.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
McDowell, James E.  
Moore, Elizabeth A.  
Pepino, Leo P.  
Searles, Stanley N., Sr.  
Vanderlosk, Stanley R.

**MERRIMACK**

Anderson, Eleanor M.  
Christie, Thomas J.  
Fillion, Paul R.  
Hall, Douglas E.  
Johnson, C. William  
Millard, Elizabeth S.  
Whittemore, James A.

Apple, Lowell D.  
Daneault, Gabriel J.  
Gilbreth, Robert M.  
Hayes, Robert C.  
Letourneau, George E.  
Molner, Mary E.  
Yeaton, Charles B.

Chandler, John P.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Jacobson, Alf E.  
Lewis, Mary Ann  
Weeks, John F., Jr.

**ROCKINGHAM**

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Connell, David R.  
Flanders, Harry E.  
Hoelzel, Kathleen M.  
Klemarczyk, Thaddeus E.  
Palazzo, Frank J.  
Seward, Russell G.  
Sytek, Donna P.  
Welch, David A.

Bell, Juanita L.  
Clark, Martha Fuller  
Cooke, Annette M.  
Gribsch, Linda  
Hynes, Carolyn E.  
Magoon, Harold F.  
Raynowska, Bernard J.  
Smith, Arthur W.  
Tufts, Arthur  
Wells, Henry E.

Boucher, William P.  
Coffey, John J.  
Dube, LeRoy S.  
Hoar, John, Jr.  
Keith, Brenda E.  
McKinney, Betsy  
Roulston, Donald L.  
Syracusa, Anthony  
Warburton, Calvin

**STRAFFORD**

Bickford, Drucilla  
Frechette, Roland A.  
Martling, W. Kent  
O'Brien, John  
Pelley, Janet R.  
Young, John B.

Douglass, Clyde J.  
Keans, Sandra B.  
Messier, Donald R.  
Pageotte, Donald P.  
Wall, Janet G.

Foss, Patricia H.  
Marston, Robert E.  
Nehring, William H.  
Parks, Joe B.  
Wheeler, Katherine W.

**SULLIVAN**

Behrens, Thomas A.

Porter, Robert H.

**NAYS 166  
BELKNAP**

Accornero, Harry  
Hawkins, Robert S.  
Zaharchuk, Peter J., Jr.

Cain, Thomas G.  
Joscelyn, William W.  
Ziegra, Alice S.

Campbell, Richard H., Jr.  
Turner, Robert H.

**CARROLL**

Chandler, Gene G.  
Jean, Robert R.

Daly, Robert J., Jr.  
Saunders, Howard N.

Foster, Robert W.  
Wiggin, Allen R.

**CHESHIRE**

Cole, Kenneth A.  
Lynch, Margaret A.

Grodin, Richard A.  
Mohr, Frederick C., Jr.

Hogan, James B.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.

Burns, Harold W.  
Therault, Romeo J.

Hawkinson, Marie C.

**GRAFTON**

Bean, Pamela B.  
Chambers, Mary P.  
LaMott, Paul I.  
Nordgren, Sharon L.  
White, Paul R.

Brown, Channing T.  
Driscoll, William J.  
McIlwaine, Deborah P.  
Scanlan, David M.

Brown, Patricia B.  
Guest, Robert H.  
Nielsen, Niels F., Jr.  
Ward, Kathleen W.

**HILLSBOROUGH**

Andrews, Frederick B.  
Baldizar, Barbara J.  
Clemons, Jane A.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Elliott, Larry G.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Johnson, Lionel W.  
Kurk, Neal M.  
Leclerc, Charles J.  
Martin, Mary Ellen  
Messier, Irene M.  
Paquette, Rodolphe G.  
Reidy, Frank J.

Asselin, Robert P.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Crotty, Edward J.  
Domaingue, Jacquelyn M.  
Ferguson, Charles  
Gage, Ruth E.  
Goulet, Maurice E.  
Healy, Daniel J.  
Keane, Cornelius J.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
Mason, Howard F.  
Nardi, Theodora P.  
Peters, Stanley W.  
Robinson, Ellen-Ann

Baker, George H., Sr.  
Carpenter, Karen A.  
Cote, David E.  
Desrosiers, William J.  
Donovan, Francis X.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Kelley, Robert N.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
McRae, Karen K.  
Packard, Bonnie B.  
Record, Alice B.  
Rothhaus, Finlay C.

Soucy, Donna M.  
 Turgeon, Roland M.  
 White, John M.

Steiner, Lee Anne  
 Upton, Barbara A.

Tarpley-Bamberger, Nancy L.  
 Wheeler, Robert L.

### MERRIMACK

Barberia, Richard A.  
 Chandler, Earle W.  
 Hill, Michael J.  
 Kidder, William F.  
 Stio, Peter M.  
 Wallner, Mary Jane

Boucher, Laurent J.  
 Dunn, Miriam D.  
 Holmes, Mary C.  
 Lockwood, Robert A.  
 Teague, Bert

Braiterman, Thea  
 Feuerstein, Martin  
 Johnson, Joyce M.  
 Smith, Gerald R.  
 Trombly, Rick A.

### ROCKINGHAM

Benton, Richardson D.  
 Chulack, Peter G., Sr.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Johnson, Robert A.  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Rosencrantz, James R.  
 Simon, Peter M.  
 Terninko, Margaret B.  
 Weyler, Kenneth L.

Buco, Stephen W.  
 Conroy, Janet M.  
 Dowling, Patricia A.  
 Flanders, David A.  
 Greene, Elizabeth A.  
 Kane, Cecelia D.  
 MacDonald, Joseph A.  
 McCain, William F.  
 Packard, Sherman A.  
 Rubin, George R.  
 Skinner, Patricia M.  
 Thayer, Leroy C.  
 Woods, Deborah L.

Caswell, Albert, Jr.  
 DiPietro, Carmela M.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Hurst, Sharleene P.  
 Klemm, Arthur P., Jr.  
 MacKinnon, Nancy W.  
 McCarthy, John J., Jr.  
 Pantelakos, Laura C.  
 Schanda, Joseph, Sr.  
 Sytek, John J.  
 Vaughn, Charles L.

### STRAFFORD

Brown, Julie M.  
 Hambrick, Patricia A.  
 Merrill, Amanda A.  
 Torr, Ann M.

Flynn, Edward J.  
 Jankowski, Peter M.  
 Musler, George T.  
 Torr, Ralph W.

Gilmore, Gary R.  
 McCann, William H., Jr.  
 Sullivan, Henry P.  
 Vincent, Francis C.

### SULLIVAN

Allison, David C.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.

Burling, Peter Hoe  
 Middleton, John A.  
 Schotanus, Merle W.

Krueger, Richard H.  
 Peyron, Fredrik

on a tie vote, the Speaker voted Nay and the amendment failed.

Rep. Gordon Wiggin notified the Clerk that he wished to be recorded in favor of the floor amendment.

Rep. Jasper moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment.

On a division vote, 136 members having voted in the affirmative and 198 in the negative, the motion failed.

Report adopted.

Ordered to third reading.

### REGULAR CALENDAR

**HB 1496-FN-L**, relative to defined benefits, defined contributions, and the funding methodology of the retirement system. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Kathleen W. Ward for the Majority of Executive Departments and Administration: This bill implements the recommendations of the study committee created with the passage of HB 51 last session that became law and expires on June 30, 1992, which suspended the employer's rates which had increased by \$45.3 million.

(1) It changes the short-term funding methodology to a long-term method that will bring stability to both Employer and Employee rates. This is called open group aggregate method funding.

(2) Specifies that the Retirement System shall meet the requirements of a disciplined defined benefits plan. This allows the actuary to set the rates in accordance with those terms.

(3) Redefining earnable compensation, 3-year income averaging of the employee's best three years.

(4) Changes the way cost of living adjustments are determined and granted.

(5) Creates a joint legislative committee on the Retirement System to monitor the financial soundness and stability of the New Hampshire Retirement System.

The bill also provides two grandfather clauses: (1) for Retirement System members vested as of June 30, 1992, who retire between July 1, 1992, and June 30, 1995, and (2) for Retirement System members vested as of June 30, 1992, who retire after June 30, 1995, in determining what constitutes earnable compensation. Vote 10-8.

Reps. Cynthia A. McGovern, Miriam D. Dunn, Gerald O. Gosselin, George E. Letourneau, Frank P. King, Roger B. Larochelle, Robert P. Asselin and David A. Flanders for the Minority of Executive Departments and Administration: In spite of the work that went into this bill, not all concerns were adequately dealt with and at the public hearing there was, and remains overwhelming opposition to this bill. The Minority of the Committee believes that this bill deals with too many issues, unnecessarily, other than that of funding methodology. The state, counties, towns, cities and school districts can be protected from high employer contributions without reducing the retirement benefits of public employees. The New Hampshire Retirement System Board of Trustees has voted to use a nine percent interest assumption if the Legislature enacts a change in the funding method to open group aggregate. The Minority recommendation is to amend the bill to enact this change. The adoption of the Minority report will reduce the employer contribution from 88 million dollars down to 34 million, thereby saving the state, cities and towns 54 million dollars annually. The employer rates for 1993 under open group aggregate will be 2.66 percent for employees, 2.8 percent for teachers, 5.4 percent for police and 8.45 percent for fire. Employer rates can be lowered without the reduction in benefits suggested by the Majority.

Rep. McGovern moved that the report of the Minority be substituted for the report of the Majority and spoke to her motion.

**(Rep. Michael Hill in the Chair)**

Reps. Robert Wheeler and Gross spoke against.

Reps. Jasper, Channing Brown, Robinson and Ward spoke against and yielded to questions.

Reps. Gosselin, Richard Campbell and Hayes spoke in favor and yielded to questions.

Reps. Gross and Trombly requested a quorum count.

The Speaker declared a quorum present.

Reps. Nielsen, Beverly Gage and Chambers spoke in favor.



Roll call request sufficiently seconded.

Reps. Musler and Salatiello declared a conflict of interest and did not participate.

The question being to substitute the report of the Minority for the report of the Majority.

**YEAS 181****YEAS 181  
BELKNAP**

Bartlett, Gordon E.  
Golden, Paul A.

Cain, Thomas G.  
Hawkins, Robert S.

**CARROLL**

Allard, Nanci A.  
Dodge, A. Gibb, Jr.

Daly, Robert J., Jr.  
Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.  
Young, David A.

Champagne, Richard L.  
Crutchley, Donald O.  
Lynch, Margaret A.  
Pratt, Irene A.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Oliver, Terry D.

Coulombe, Henry W.  
Horton, Lynn C.  
Theriault, Romeo J.

**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.  
McIlwaine, Deborah P.  
Wadsworth, Karen O.

Bean, Pamela B.  
Guest, Robert H.  
Nielsen, Niels F., Jr.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Clemons, Jane A.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Healy, Daniel J.  
Jean, Romeo W.  
Kelley, Robert N.  
Larochelle, Roger B.  
Lefebvre, Roland J.  
Mason, Howard F.  
Murphy, Robert E.

Asselin, Robert P.  
Bourque, Ann J.  
Carpenter, Karen A.  
Cote, David E.  
Dodge, Emma M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Gage, Ruth E.  
Goulet, Maurice E.  
Haettenschwiller, Alphonse  
Holden, Carol H.  
Johnson, Lionel W.  
King, Frank P.  
Laughlin, J. Francis  
Lozeau, DonnaLee M.  
McDowell, James E.  
Nardi, Theodora P.

**NAYS 165**

Campbell, Richard H., Jr.

Dickinson, Howard C.

Clark, Eugene W.  
Doucette, Richard F.  
Metzger, Katherine H.  
Riley, William A.

Guay, Lawrence J.  
Merrill, Gerald P.

Chambers, Mary P.  
LaMott, Paul I.  
Nordgren, Sharon L.

Baldizar, Barbara J.  
Buckley, Raymond  
Chasse, Richard D.  
Crotty, Edward J.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Ferguson, Charles  
Gagnon, Eugene L.  
Green, Scott E.  
Hall, Betty B.  
Janas, Gregory  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Leclerc, Charles J.  
Martin, Mary Ellen  
Messier, Irene M.  
O'Rourke, Joanne A.

Ouellette, Robert O.  
Reidy, Frank J.  
Tarpley-Bamberger, Nancy L.

Paquette, Rodolphe G.  
Rothhaus, Finlay C.  
Turgeon, Roland M.

Pepino, Leo P.  
Soucy, Donna M.  
White, John M.

### MERRIMACK

Braiterman, Thea  
Fair, Patricia A.  
Hayes, Robert C.  
Johnson, Joyce M.  
Molner, Mary E.  
Wallner, Mary Jane

Daneault, Gabriel J.  
Fillion, Paul R.  
Jacobson, Alf E.  
Letourneau, George E.  
Smith, Gerald R.  
Yeaton, Charles B.

Dunn, Miriam D.  
Gilbreth, Robert M.  
Johnson, C. William  
Millard, Elizabeth S.  
Trombly, Rick A.

### ROCKINGHAM

Bell, Juanita L.  
Caswell, Albert, Jr.  
Clark, Martha Fuller  
Flanders, David A.  
Gage, Beverly A.  
Hutchinson, Karen K.  
Kane, Cecelia D.  
MacDonald, Joseph A.  
Malcolm, Kenneth W.  
Pantelakos, Laura C.  
Roulston, Donald L.  
Syracusa, Anthony  
Terninko, Margaret B.

Buco, Stephen W.  
Christie, Andrew, Jr.  
Cooke, Annette M.  
Flanders, John W., Sr.  
Griebsch, Linda  
Hynes, Carolyn E.  
Keith, Brenda E.  
MacKinnon, Nancy W.  
McGovern, Cynthia A.  
Raynowska, Bernard J.  
Schanda, Joseph, Sr.  
Sytek, Donna P.  
Vaughn, Charles L.

Campbell, Marilyn R.  
Chulack, Peter G., Sr.  
Dowling, Patricia A.  
Ford, Bert H.  
Hurst, Sharleene P.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
Magoon, Harold F.  
Packard, Sherman A.  
Rosencrantz, James R.  
Skinner, Patricia M.  
Sytek, John J.  
Woods, Deborah L.

### STRAFFORD

Brown, Julie M.  
Hambrick, Patricia A.  
McCann, William H., Jr.  
Nehring, William H.  
Sullivan, Henry P.  
Wall, Janet G.

Frechette, Roland A.  
Jankowski, Peter M.  
Merrill, Amanda A.  
O'Brien, John  
Tsiros, William  
Wheeler, Katherine W.

Gilmore, Gary R.  
Martling, W. Kent  
Messier, Donald R.  
Pageotte, Donald P.  
Vincent, Francis C.

### SULLIVAN

Allison, David C.  
Krueger, Richard H.  
Stamatakis, Carol M.

Burling, Peter Hoe  
Lindblade, Eric N.

Harland, Jane A.  
Schotanus, Merle W.

### NAYS 165 BELKNAP

Accornero, Harry  
Joscelyn, William W.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.  
Ziegra, Alice S.

Johnson, Carl R.  
Rosen, Ralph J.  
Vogler, Charles C.

### CARROLL

Beach, Mildred A.  
Foster, Robert W.  
Wiggin, Allen R.

Bradley, Jeb E.  
Jean, Robert R.

Chandler, Gene G.  
Saunders, Howard N.

**CHESHIRE**

Cole, Stacey W.  
Hogan, James B.  
LaMar, David M.  
Perry, David M.

Feuer, Joseph N.  
Hunt, John B.  
Laurent, John J.  
Sawyer, Alfred P.

Grodin, Richard A.  
Kennison, Wayne A.  
Mohr, Frederick C., Jr.

**COOS**

Buckley, C. Fitzgerald

Marsh, Beaton

Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Christy, C. Dana  
Hill, Richard L.  
Markley, J. Keith  
Teschner, Douglass P.  
White, Paul R.

Brown, Channing T.  
Dow, David  
Larson, Nils H., Jr.  
Scanlan, David M.  
Telfa, Richard T.

Brown, Patricia B.  
Driscoll, William J.  
Lougee, Richard W.  
Shackett, Ralph E.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Cook, Valerie S.  
Daniels, Gary L.  
Durham, Susan B.  
Greenglass, Alan B.  
Hultgren, David D.  
Kurk, Neal M.  
Lawrence, Norman B.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Record, Alice B.  
Sallada, Roland A.  
Steiner, Lee Anne  
Upton, Barbara A.  
Wheeler, Robert L.

Alukonis, David J.  
Arnold, Barbara E.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Dyer, Merton S.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
McRae, Karen K.  
Packard, Bonnie B.  
Riley, Frances L.  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Vanderlosk, Stanley R.  
Wright, George W.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Ferlan, Arthur P.  
Healy, Walter F.  
Kelley, Dana F.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Tate, Joan C.  
Wheeler, David K.

**MERRIMACK**

Anderson, Eleanor M.  
Boucher, Laurent J.  
Christie, Thomas J.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Lockwood, Robert A.  
Teague, Bert

Apple, Lowell D.  
Chandler, Earle W.  
Feuerstein, Martin  
Hall, Douglas E.  
Kidder, William F.  
Nichols, Avis B.  
Weeks, John F., Jr.

Barberia, Richard A.  
Chandler, John P.  
Gross, Caroline L.  
Hill, Michael J.  
Lewis, Mary Ann  
Stio, Peter M.  
Whittemore, James A.

**ROCKINGHAM**

Barnes, John S., Jr.  
Coffey, John J.  
DiPietro, Carmela M.  
Felch, Charles H., Sr.  
Greene, Elizabeth A.  
Klemm, Arthur P., Jr.  
McCarthy, John J., Jr.

Benton, Richardson D.  
Connell, David R.  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Hoar, John, Jr.  
Lovejoy, Virginia K.  
McKinney, Betsy

Boucher, William P.  
Conroy, Janet M.  
Dube, LeRoy S.  
Flanders, Harry E.  
Hoelzel, Kathleen M.  
McCain, William F.  
Palazzo, Frank J.

Rubin, George R.  
Simon, Peter M.  
Tufts, Arthur  
Wells, Henry E.

Schmidtchen, Rowland H.  
Smith, Arthur W.  
Warburton, Calvin  
Weyler, Kenneth L.

Seward, Russell G.  
Thayer, Leroy C.  
Welch, David A.

### STRAFFORD

Bickford, Drucilla  
Flynn, Edward J.  
Marston, Robert E.  
Torr, Ann M.

Corte, Arthur B.  
Foss, Patricia H.  
Parks, Joe B.  
Torr, Ralph W.

Douglass, Clyde J.  
Keans, Sandra B.  
Pelley, Janet R.  
Young, John B.

### SULLIVAN

Behrens, Thomas A.  
Porter, Robert H.

Middleton, John A.  
Rodeschin, Beverly T.

Peyron, Fredrik

and the substitute motion was adopted.

The question now being the adoption of the Minority amendment.

5035L

### (Minority) Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the funding methodology of the retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Funding Methodology Used to Finance Retirement System. Amend the introductory paragraph of RSA 100-A:16 to read as follows:

All of the assets of the retirement system shall be credited, according to the purpose for which they are held, between 2 funds, namely, the member annuity savings fund and the state annuity accumulation fund. Each of the funds shall be subdivided on account of the various member classifications. *In making the determinations required under this section for financing the retirement system, the board of trustees shall use the open group aggregate funding methodology. The board of trustees shall direct the system's actuary to prepare biennial valuations of the system's assets and liabilities commencing with the valuation prepared as of June 30, 1991. Such biennial valuation shall be the sole basis for determining the annual contribution requirements of the system until the next following biennial valuation.*

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill changes the funding methodology of the New Hampshire retirement system by requiring the board of trustees to use the open group aggregate method.

Roll call request sufficiently seconded.

Reps. Musler and Salatiello declared a conflict of interest and did not participate.

### YEAS 199

### NAYS 147

#### YEAS 199 BELKNAP

Bartlett, Gordon E.  
Golden, Paul A.

Cain, Thomas G.  
Hawkins, Robert S.

Campbell, Richard H., Jr.  
Ziegler, Alice S.

#### CARROLL

Allard, Nanci A.  
Dickinson, Howard C.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.

Daly, Robert J., Jr.  
Wiggin, Gordon E.



**CHESHIRE**

Burnham, Daniel M.  
 Cole, Kenneth A.  
 Grodin, Richard A.  
 Lynch, Margaret A.  
 Pearson, Gertrude B.  
 Young, David A.

Champagne, Richard L.  
 Crutchley, Donald O.  
 Kingsbury, H. Thayer  
 Metzger, Katherine H.  
 Pratt, Irene A.

Clark, Eugene W.  
 Doucette, Richard F.  
 LaMar, David M.  
 Mohr, Frederick C., Jr.  
 Riley, William A.

**COOS**

Brungot, Catherine V.  
 Horton, Lynn C.  
 Theriault, Romeo J.

Coulombe, Henry W.  
 Merrill, Gerald P.

Guay, Lawrence J.  
 Oliver, Terry D.

**GRAFTON**

Arnesen, Deborah L.  
 Copenhaver, Marion L.  
 Larson, Nils H., Jr.  
 Nordgren, Sharon L.

Bean, Pamela B.  
 Guest, Robert H.  
 McIlwaine, Deborah P.  
 Wadsworth, Karen O.

Chambers, Mary P.  
 LaMott, Paul I.  
 Nielsen, Niels F., Jr.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Baldizar, Barbara J.  
 Bowers, Dorothy C.  
 Carpenter, Karen A.  
 Cote, David E.  
 Dodge, Emma M.  
 Drolet, Paul L.  
 Emerton, Lawrence A.  
 Gage, Ruth E.  
 Goulet, Maurice E.  
 Haettenschwiller, Alphonse  
 Healy, Walter F.  
 Jean, Romeo W.  
 Kelley, Robert N.  
 Larochelle, Roger B.  
 Lefebvre, Roland J.  
 Mason, Howard F.  
 Murphy, Robert E.  
 Ouellette, Robert O.  
 Reidy, Frank J.  
 Tarpley-Bamberger, Nancy L.

Ahrens, Frederick G.  
 Baroody, Benjamin C.  
 Buckley, Raymond  
 Chasse, Richard D.  
 Crotty, Edward J.  
 Donovan, Francis X.  
 Dwyer, Patricia R.  
 Ferguson, Charles  
 Gagnon, Eugene L.  
 Green, Scott E.  
 Hall, Betty B.  
 Holden, Carol H.  
 Johnson, Lionel W.  
 King, Frank P.  
 Laughlin, J. Francis  
 Lozeau, Donnalee M.  
 McDowell, James E.  
 Nardi, Theodora P.  
 Paquette, Rodolphe G.  
 Rothhaus, Finlay C.  
 Turgeon, Roland M.

Asselin, Robert P.  
 Bourque, Ann J.  
 Calawa, Leon, Jr.  
 Clemons, Jane A.  
 Desrochers, Gerard T.  
 Drabinowicz, A. Theresa  
 Elliott, Larry G.  
 Fields, Dennis H.  
 Gosselin, Gerald O.  
 Gureckis, Adam C., Sr.  
 Healy, Daniel J.  
 Janas, Gregory  
 Keane, Cornelius J.  
 L'Heureux, Robert J.  
 Leclerc, Charles J.  
 Martin, Mary Ellen  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Pepino, Leo P.  
 Soucy, Donna M.  
 White, John M.

**MERRIMACK**

Braiterman, Thea  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Johnson, Joyce M.  
 Molner, Mary E.  
 Wallner, Mary Jane

Daneault, Gabriel J.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Jacobson, Alf E.  
 Letourneau, George E.  
 Smith, Gerald R.  
 Yeaton, Charles B.

Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Hayes, Robert C.  
 Johnson, C. William  
 Millard, Elizabeth S.  
 Trombly, Rick A.

**ROCKINGHAM**

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Clark, Martha Fuller  
 Cooke, Annette M.  
 Flanders, John W., Sr.  
 Griebisch, Linda  
 Hynes, Carolyn E.  
 Keith, Brenda E.  
 MacKinnon, Nancy W.  
 McCain, William F.  
 Pantelakos, Laura C.  
 Roulston, Donald L.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Vaughn, Charles L.

Buco, Stephen W.  
 Christie, Andrew, Jr.  
 Coffey, John J.  
 Dowling, Patricia A.  
 Ford, Bert H.  
 Hurst, Sharleene P.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McGovern, Cynthia A.  
 Raynowska, Bernard J.  
 Schanda, Joseph. Sr.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Woods, Deborah L.

Campbell, Marilyn R.  
 Chulack, Peter G., Sr.  
 Connell, David R.  
 Flanders, David A.  
 Gage, Beverly A.  
 Hutchinson, Karen K.  
 Kane, Cecelia D.  
 MacDonald, Joseph A.  
 Malcolm, Kenneth W.  
 Packard, Sherman A.  
 Rosencrantz, James R.  
 Schmidtchen, Rowland H.  
 Sytek, Donna P.  
 Tufts, Arthur

**STRAFFORD**

Brown, Julie M.  
 Gilmore, Gary R.  
 Martling, W. Kent  
 Messier, Donald R.  
 Pageotte, Donald P.  
 Tsiros, William  
 Wheeler, Katherine W.

Corte, Arthur B.  
 Hambrick, Patricia A.  
 McCann, William H., Jr.  
 Nehring, William H.  
 Sullivan, Henry P.  
 Vincent, Francis C.

Frechette, Roland A.  
 Jankowski, Peter M.  
 Merrill, Amanda A.  
 O'Brien, John  
 Torr, Ann M.  
 Wall, Janet G.

**SULLIVAN**

Allison, David C.  
 Krueger, Richard H.  
 Stamatakis, Carol M.

Burling, Peter Hoe  
 Lindblade, Eric N.

Harland, Jane A.  
 Schotanus, Merle W.

**NAYS 147****BELKNAP**

Accornero, Harry  
 Joscelyn, William W.  
 Shibley, Arnold P.  
 Zaharchuk, Peter J., Jr.

Holbrook, Robert G.  
 Rice, Thomas E. P., Jr.  
 Turner, Robert H.

Johnson, Carl R.  
 Rosen, Ralph J.  
 Vogler, Charles C.

**CARROLL**

Beach, Mildred A.  
 Jean, Robert R.

Chandler, Gene G.  
 Saunders, Howard N.

Foster, Robert W.  
 Wiggin, Allen R.

**CHESHIRE**

Cole, Stacey W.  
 Hunt, John B.  
 Perry, David M.

Feuer, Joseph N.  
 Kennison, Wayne A.  
 Sawyer, Alfred P.

Hogan, James B.  
 Laurent, John J.

**COOS**

Buckley, C. Fitzgerald  
 Pratt, Leighton C.

Hawkinson, Marie C.

Marsh, Beaton

**GRAFTON**

Adams, Carl S.  
 Christy, C. Dana

Brown, Channing T.  
 Dow, David

Brown, Patricia B.  
 Driscoll, William J.

Hill, Richard L.  
Scanlan, David M.  
Trelfa, Richard T.

Lougee, Richard W.  
Shackett, Ralph E.  
Ward, Kathleen W.

Markley, J. Keith  
Teschner, Douglass P.  
White, Paul R.

### HILLSBOROUGH

Alukonis, David J.  
Arnold, Barbara E.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Ferlan, Arthur P.  
Hultgren, David D.  
Kurk, Neal M.  
Lawrence, Norman B.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Record, Alice B.  
Sallada, Roland A.  
Steiner, Lee Anne  
Upton, Barbara A.  
Wheeler, Robert L.

Amidon, Eleanor H.  
Cook, Valerie S.  
Daniels, Gary L.  
Durham, Susan B.  
Greenglass, Alan B.  
Jasper, Shawn N.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
McRae, Karen K.  
Packard, Bonnie B.  
Riley, Frances L.  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Vanderlosk, Stanley R.  
Wright, George W.

Andrews, Frederick B.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Dyer, Merton S.  
Hanselman, Gregory L.  
Kelley, Dana F.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Tate, Joan C.  
Wheeler, David K.

### MERRIMACK

Anderson, Eleanor M.  
Boucher, Laurent J.  
Christie, Thomas J.  
Holmes, Mary C.  
Lockwood, Robert A.  
Teague, Bert

Apple, Lowell D.  
Chandler, Earle W.  
Feuerstein, Martin  
Kidder, William F.  
Nichols, Avis B.  
Weeks, John F., Jr.

Barberia, Richard A.  
Chandler, John P.  
Hager, Elizabeth S.  
Lewis, Mary Ann  
Stio, Peter M.  
Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
Conroy, Janet M.  
Dube, LeRoy S.  
Flanders, Harry E.  
Hoelzel, Kathleen M.  
McCarthy, John J., Jr.  
Rubin, George R.  
Smith, Arthur W.  
Welch, David A.

Benton, Richardson D.  
DiPietro, Carmela M.  
Felch, Charles H., Sr.  
Greene, Elizabeth A.  
Klemm, Arthur P., Jr.  
McKinney, Betsy  
Seward, Russell G.  
Thayer, Leroy C.  
Wells, Henry E.

Boucher, William P.  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Hoar, John, Jr.  
Lovejoy, Virginia K.  
Palazzo, Frank J.  
Simon, Peter M.  
Warburton, Calvin  
Weyler, Kenneth L.

### STRAFFORD

Bickford, Drucilla  
Foss, Patricia H.  
Parks, Joe B.  
Young, John B.

Douglass, Clyde J.  
Keans, Sandra B.  
Pelley, Janet R.

Flynn, Edward J.  
Marston, Robert E.  
Torr, Ralph W.

### SULLIVAN

Behrens, Thomas A.  
Porter, Robert H.

Middleton, John A.  
Rodeschin, Beverly T.

Peyron, Fredrik

and the amendment was adopted.

Rep. Lefebvre spoke against the Committee report.

Report adopted.

Referred to Appropriations.

**HB 1497-FN-L**, relative to retirement benefits, employer contributions to the retirement system, and the retirement system board of trustees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen W. Ward for the Majority of Executive Departments and Administration: This legislation is the "trailer" bill to House Bill 1496 and addresses the membership of the Retirement Board of Trustees. It also ties the state's contribution of 35 percent of the employers cost to the actuaries assumptions of a 6 percent growth in number of employees and salaries. Said 6 percent recommended by the actuary for a 2-year averaging period resulting in a possible 12 percent overall. Vote 10-7.

Reps. Cynthia A. McGovern, Miriam D. Dunn, Gerald O. Gosselin, George E. Letourneau, Frank P. King, Roger B. Larochelle, Robert P. Asselin and David A. Flanders for the Minority of Executive Departments and Administration: This is a companion bill to House Bill 1496. In every discussion of these bills, much was said about the cost to the local property taxpayer if these bills were not passed. House Bill 1497 mandates that the state's share of the retirement system contribution be capped at 35 percent, thus shifting the cost to local cities and towns, to be passed on to the property taxpayer. This is an unacceptable arbitrary situation and contradictory to the intent of both bills. What, supposedly, we save the local taxpayer in House Bill 1496, we then taketh away in House Bill 1497. The bill also changes the make-up of the Retirement System Board of Trustees to include an employer, in direct conflict of the fiduciary responsibility entrusted to the Board to manage the system for the benefit of the members of the retirement system.

Rep. McGovern moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass and spoke to her motion.

Reps. Robert Wheeler and Ward spoke against.

Rep. Reidy spoke in favor.

Rep. Richard Campbell spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

Reps. Musler and Salatiello declared a conflict of interest and did not participate.

The question being the adoption of the substitute motion.

### YEAS 167

### NAYS 161

#### YEAS 167

#### BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Rosen, Ralph J.

Bartlett, Gordon E.  
Golden, Paul A.

Cain, Thomas G.  
Hawkins, Robert S.

#### CARROLL

Wiggin, Gordon E.

#### CHESHIRE

Burnham, Daniel M.  
Crutchley, Donald O.  
Pearson, Gertrude B.  
Young, David A.

Champagne, Richard L.  
Kingsbury, H. Thayer  
Pratt, Irene A.

Clark, Eugene W.  
Metzger, Katherine H.  
Riley, William A.

#### COOS

Brungot, Catherine V.  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Therhault, Romeo J.

Hawkinson, Marie C.



**GRAFTON**

Arnesen, Deborah L.	Chambers, Mary P.	Copenhaver, Marion L.
Guest, Robert H.	LaMott, Paul I.	Larson, Nils H., Jr.
McIlwaine, Deborah P.	Nielsen, Niels F., Jr.	Nordgren, Sharon L.
Wadsworth, Karen O.		

**HILLSBOROUGH**

Ackerman, Philip M.	Asselin, Robert P.	Baldizar, Barbara J.
Baroody, Benjamin C.	Bourque, Ann J.	Buckley, Raymond
Calawa, Leon, Jr.	Carpenter, Karen A.	Chasse, Richard D.
Clemons, Jane A.	Cook, Valerie S.	Cote, David E.
Crotty, Edward J.	Daniels, Gary L.	Desrochers, Gerard T.
Dodge, Emma M.	Domaingue, Jacquelyn M.	Donovan, Francis X.
Drabinowicz, A. Theresa	Durham, Susan B.	Dwyer, Patricia R.
Ferguson, Charles	Fields, Dennis H.	Gage, Ruth E.
Gosselin, Gerald O.	Goulet, Maurice E.	Green, Scott E.
Gureckis, Adam C., Sr.	Haettenschwiller, Alphonse	Hall, Betty B.
Healy, Daniel J.	Janas, Gregory	Jean, Romeo W.
Johnson, Lionel W.	Keane, Cornelius J.	King, Frank P.
L'Heureux, Robert J.	Lachut, Ervin R.	Larochelle, Roger B.
Laughlin, J. Francis	Lefebvre, Roland J.	Lozeau, Donnalee M.
Martin, Mary Ellen	Mason, Howard F.	McDowell, James E.
Murphy, Robert E.	Nardi, Theodora P.	O'Rourke, Joanne A.
Paquette, Rodolphe G.	Pepino, Leo P.	Reidy, Frank J.
Soucy, Donna M.	Tarpley-Bamberger, Nancy L.	Turgeon, Roland M.
Vanderlosk, Stanley R.	White, John M.	

**MERRIMACK**

Apple, Lowell D.	Braiterman, Thea	Daneault, Gabriel J.
Dunn, Miriam D.	Fair, Patricia A.	Fillion, Paul R.
Gilbreth, Robert M.	Hall, Douglas E.	Jacobson, Alf E.
Johnson, Joyce M.	Letourneau, George E.	Molner, Mary E.
Smith, Gerald R.	Trombly, Rick A.	Wallner, Mary Jane
Yeaton, Charles B.		

**ROCKINGHAM**

Bell, Juanita L.	Campbell, Marilyn R.	Caswell, Albert, Jr.
Christie, Andrew, Jr.	Chulack, Peter G., Sr.	Clark, Martha Fuller
Coffey, John J.	Connell, David R.	Conroy, Janet M.
Cooke, Annette M.	DiPietro, Carmela M.	Dowd, Sandra K.
Dowling, Patricia A.	Flanders, David A.	Flanders, Harry E.
Ford, Bert H.	Gage, Beverly A.	Griebisch, Linda
Hoar, John, Jr.	Hurst, Sharleene P.	Hutchinson, Karen K.
Hynes, Carolyn E.	Kane, Cecelia D.	Klemarczyk, Thaddeus E.
MacDonald, Joseph A.	MacKinnon, Nancy W.	Magoon, Harold F.
Malcolm, Kenneth W.	McCain, William F.	McGovern, Cynthia A.
Packard, Sherman A.	Palazzo, Frank J.	Pantelakos, Laura C.
Raynowska, Bernard J.	Rosencrantz, James R.	Schanda, Joseph, Sr.
Terninko, Margaret B.	Vaughn, Charles L.	Warburton, Calvin
Wells, Henry E.	Woods, Deborah L.	

**STRAFFORD**

Frechette, Roland A.  
McCann, William H., Jr.  
Nehring, William H.  
Sullivan, Henry P.  
Wall, Janet G.

Gilmore, Gary R.  
Merrill, Amanda A.  
O'Brien, John  
Tsiros, William  
Wheeler, Katherine W.

Hambrick, Patricia A.  
Messier, Donald R.  
Pageotte, Donald P.  
Vincent, Francis C.

**SULLIVAN**

Allison, David C.  
Krueger, Richard H.  
Stamatakis, Carol M.

Burling, Peter Hoe  
Lindblade, Eric N.

Harland, Jane A.  
Porter, Robert H.

**NAYS 161****BELKNAP**

Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Johnson, Carl R.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Joscelyn, William W.  
Turner, Robert H.  
Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Foster, Robert W.

Bradley, Jeb E.  
Dickinson, Howard C.  
Jean, Robert R.

**CHESHIRE**

Cole, Stacey W.  
Hogan, James B.  
LaMar, David M.  
Perry, David M.

Feuer, Joseph N.  
Hunt, John B.  
Laurent, John J.  
Sawyer, Alfred P.

Grodin, Richard A.  
Kennison, Wayne A.  
Mohr, Frederick C., Jr.

**COOS**

Guay, Lawrence J.  
Merrill, Gerald P.

Horton, Lynn C.  
Pratt, Leighton C.

Marsh, Beaton

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Driscoll, William J.  
Markley, J. Keith  
Teschner, Douglass P.  
White, Paul R.

Bean, Pamela B.  
Christy, C. Dana  
Hill, Richard L.  
Scanlan, David M.  
Trelfa, Richard T.

Brown, Channing T.  
Dow, David  
Lougee, Richard W.  
Shackett, Ralph E.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Cowenhoven, Garret P.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Kurk, Neal M.  
Lown, Elizabeth D.  
McRae, Karen K.

Alukonis, David J.  
Arnold, Barbara E.  
Daigle, Robert A.  
Elliott, Larry G.  
Gagnon, Eugene L.  
Healy, Walter F.  
Kelley, Dana F.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Mercer, Robert S.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Greenglass, Alan B.  
Holden, Carol H.  
Kelley, Robert N.  
Lawrence, Norman B.  
McNerney, Daniel P.  
Messier, Irene M.

Moore, Elizabeth A.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Wheeler, David K.

Ouellette, Robert O.  
Record, Alice B.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Tate, Joan C.  
Wheeler, Robert L.

Packard, Bonnie B.  
Riley, Frances L.  
Sallada, Roland A.  
Steiner, Lee Anne  
Upton, Barbara A.  
Wright, George W.

### MERRIMACK

Anderson, Eleanor M.  
Chandler, John P.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Lewis, Mary Ann  
Stio, Peter M.

Barberia, Richard A.  
Feuerstein, Martin  
Hayes, Robert C.  
Johnson, C. William  
Lockwood, Robert A.  
Weeks, John F., Jr.

Chandler, Earle W.  
Gross, Caroline L.  
Hill, Michael J.  
Kidder, William F.  
Nichols, Avis B.  
Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
Buco, Stephen W.  
Flanders, John W., Sr.  
Johnson, Robert A.  
McCarthy, John J., Jr.  
Rubin, George R.  
Smith, Arthur W.  
Thayer, Leroy C.  
Weyler, Kenneth L.

Benton, Richardson D.  
Dube, LeRoy S.  
Greene, Elizabeth A.  
Klemm, Arthur P., Jr.  
McKinney, Betsy  
Schmidtchen, Rowland H.  
Sytek, Donna P.  
Tufts, Arthur

Boucher, William P.  
Felch, Charles H., Sr.  
Hoelzel, Kathleen M.  
Lovejoy, Virginia K.  
Roulston, Donald L.  
Skinner, Patricia M.  
Sytek, John J.  
Welch, David A.

### STRAFFORD

Bickford, Drucilla  
Douglass, Clyde J.  
Keans, Sandra B.  
Parks, Joe B.  
Torr, Ralph W.

Brown, Julie M.  
Foss, Patricia H.  
Marston, Robert E.  
Pelley, Janet R.  
Young, John B.

Corte, Arthur B.  
Jankowski, Peter M.  
Martling, W. Kent  
Torr, Ann M.

### SULLIVAN

Behrens, Thomas A.  
Rodeschin, Beverly T.

Middleton, John A.  
Schotanus, Merle W.

Peyron, Fredrik

and the motion was adopted.

The substituted Committee report was adopted.

**HB 1347-A**, appropriating money for design and engineering of a vocational education center in Milford. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David K. Wheeler for Public Works: This bill was recommitted. discussed and an amendment was adopted. The Committee supports this bill with a 12-1 vote. The amendment removes the appropriation and authorizes the Department of Education to expend monies already appropriated under RSA 188-E:10 for the design of a Vocational Education Center in Milford.

5004L

### Amendment

Amend the title of the bill by replacing it with the following:

**AN ACT**

designating money for the planning and design of a regional vocational education center in Milford

Amend the bill by replacing all after the enacting clause with the following:

1 Design Money Designated for Establishment of a Vocational Education Center in Milford. The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of education for the purposes of planning and designing a regional vocational education center in Milford. This sum shall be made available from the moneys appropriated under RSA 188-E:10 for the construction of regional vocational education centers. Authorization for expenditures of such funds shall be made by the department of education to the treasurer in accordance with RSA 188-E:10.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill authorizes the state treasurer to make funds available to the department of education for the purposes of planning and designing a regional vocational education center in Milford.

Adopted.

Report adopted.

Referred to Appropriations.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet February 27 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**HB 1396-FN**, authorizing municipalities to incur debt in the form of bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills and to clean up hazardous waste sites.

**HB 1332**, removing the prohibition on use or possession of tobacco products by minors.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill number 372, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading referral**

**SB 372**, authorizing industrial development financing for the Manchester Airport. (Economic Development)



### SUSPENSION OF RULES

Rep. Hager moved that the rules be so far suspended as to permit the Committee on Appropriations to hold hearings on **HB 1496-FN-L**, relative to the funding methodology of the retirement system and **HB 1347-A**, designating money for the planning and design of a regional vocational education center in Milford, without the required notice, and spoke in favor.

Adopted by the necessary two-thirds.

### RESOLUTION

Its introduction having been approved by the Rules Committee: Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill number 1005, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HOUSE BILL

#### (First, second reading and referral)

**HB 1005**, relative to reapportionment of house districts within cities and the election of delegates to state party conventions. (Gross of Merrimack Dist. 13; Cowenhoven of Hillsborough Dist. 9 - To Constitutional and Statutory Revision)

### SUSPENSION OF RULES

Rep. Holden moved that the rules be so far suspended as to permit the Committee on Constitutional and Statutory Revision to hold a hearing on **HB 1005**, relative to reapportionment of house districts within cities and the election of delegates to state party conventions.

Reps. Gross and Trombly spoke in favor.

Adopted by the necessary two-thirds.

### UNANIMOUS CONSENT

Rep. Bonnie Packard addressed the House by unanimous consent.

### ENROLLED BILLS REPORT

**SB 193**, relative to limits on motorboat speeds.

Sen. Currier and Rep. Dunn for the Committee

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolled reports only.

Adopted.

The House recessed at 5:05 p.m.

### RECESS

(Rep. Ann Torr in the Chair)

### SENATE MESSAGE

#### REQUESTS CONCURRENCE

**SB 300**, reapportioning the New Hampshire congressional districts.

**SB 322**, establishing a committee to study the effectiveness of the laws decommissioning nuclear power plants.

**SB 324**, establishing a commission on the family and permitting Jewish Rabbis who are not citizens of the United States to solemnize marriages.

**SB 327**, establishing a committee to study the effects of substance abuse on health care costs of the state.

**SB 329**, authorizing the New Hampshire housing finance authority to assist tenants when a manufactured housing park is undergoing condominium conversion.

**SB 342**, relative to resisting arrest or detention.

**SB 355**, requiring that deposits for the purchase or other disposition of manufactured housing be held in escrow accounts and relative to disposition of tenant's security deposits transferred due to foreclosures.

**SB 363**, relative to health insurance coverage of autologous bone marrow transplants.

**SB 381**, relative to interest on escrow accounts.

**SB 384**, relative to foreclosures and sale of mortgaged property.

**SB 405-FN**, relative to driver attitude training for repeat and habitual offenders.

**SB 412-FN-L**, relative to signage by nonprofit organizations in zoned commercial or industrial areas.

**SB 417-FN**, requiring notification of associated costs of converting fuel heating systems and allowing recovery for costs of removal of leaking residential tanks from the oil discharge and disposal cleanup fund.

**SB 428-FN**, designating segments of the Connecticut River for the rivers management program and allowing existing hydroelectric facilities to maintain operations.

**SB 440-FN**, relative to water conservation strategy for community water suppliers.

**SB 445-FN**, establishing a committee to study issues relating to the fishing industry.

**SB 453-FN**, relative to involuntary commitment procedures.

**SB 459-FN**, limiting increases in electric rates.

**SB 462-FN**, relative to optional allowances and beneficiaries under the New Hampshire retirement system.

**SB 467-FN-L**, changing the interest rates on delinquent property taxes and subsequent taxes and requiring a certificate of tax payment prior to the moving of a building or structure.

**SB 470-FN-L**, relative to using electronic monitoring devices and community supervision as an alternative to prison.

**SB 471**, authorizing child day care to certain AFDC clients.

## RESOLUTION

Rep. Michael Hill offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 300, 307, 311, 313, 316, 321, 322, 324, 326, 327, 329, 340, 342, 343, 348, 355, 357, 362, 363, 368, 371, 372, 380, 381, 383-385, 387, 388, 391, 397, 399, 400, 403-405, 412, 417, 418, 420, 421, 427, 428, 440, 444, 445, 447, 462, 467, 470-472, 474 and 475, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS

### First, second reading referral

**SB 300**, reapportioning the New Hampshire congressional districts. (Constitutional and Statutory Revision)

**SB 307-FN**, authorizing disclosure of certain information contained in the records of the department of revenue administration to the office of reimbursements, division of mental health and developmental services. (Executive Departments and Administration)

**SB 311**, exempting certified fire investigators and certain towing companies from licensure under the detective agencies and securities services act, changing the qualification for fire investigators and changing the date for renewal or reinstatement of private detective licenses. (Public Protection and Veterans Affairs)

**SB 313**, relative to gender balance on boards and commissions. (Executive Departments and Administration)

**SB 316**, establishing a committee to study cable television rates and the possibility of introducing competition into the marketplace in order to lower rates. (Science, Technology and Energy)

**SB 321**, repealing an exemption for town clerks relative to voter registration. (Constitutional and Statutory Revision)

**SB 322**, establishing a committee to study the effectiveness of the laws decommissioning nuclear power plants. (Science, Technology and Energy)

**SB 324**, establishing a commission on the family and permitting Jewish Rabbis who are not citizens of the United States to solemnize marriages. (Children, Youth and Juvenile Justice)

**SB 326-FN**, relative to the Lamprey solid waste district. (Environment and Agriculture)

**SB 327**, establishing a committee to study the effects of substance abuse on health care costs of the state. (Health, Human Services and Elderly Affairs)

**SB 329**, authorizing the New Hampshire housing finance authority to assist tenants when a manufactured housing park is undergoing condominium conversion. (State Institutions)

**SB 340-FN**, clarifying the definition of a school district. (Education)

**SB 342**, relative to resisting arrest or detention. (Judiciary)

**SB 343**, relative to reconsideration of town meeting and school district meeting votes. (Municipal and County Government)

**SB 348**, establishing a committee to study the present and future needs of the correctional system. (Judiciary)

**SB 355**, requiring that deposits for the purchase or other disposition of manufactured housing be held in escrow accounts and relative to disposition of tenant's security deposits transferred due to foreclosures. (State Institutions)

**SB 357-FN**, prohibiting licensure by any state agency or board where an outstanding court default or bench warrant has been issued and making license application fees non-refundable. (Executive Departments and Administration)

**SB 362**, redefining proprietary medicines to include nonprescription medicines and exempting non-pharmacy retail stores and outlets from classification as pharmacies for the purpose of RSA 318. (Health, Human Services and Elderly Affairs)

**SB 363**, relative to health insurance coverage of autologous bone marrow transplants. (Commerce, Small Business and Consumer Affairs)

**SB 368**, changing statutory references to automobile graveyards, motor vehicle junkyards and junk vehicles to include automotive recycling yards or vehicles. (Transportation)

**SB 371**, establishing a committee to study the feasibility of year round schools. (Education)

**SB 372**, authorizing industrial development financing for the Manchester Airport. (Economic Development)

**SB 380**, relative to membership on planning boards in towns with the town council form of government and relative to the 4-year exemption from certain subdivision regulations and zoning ordinances. (Municipal and County Government)

**SB 381**, relative to interest on escrow accounts. (Commerce, Small Business and Consumer Affairs)

**SB 383**, establishing a committee to recommend to the state board of education different methods of obtaining information on persons convicted of any felony involving child abuse. (Children, Youth and Juvenile Justice)

**SB 384**, relative to foreclosures and sale of mortgaged property. (Commerce, Small Business and Consumer Affairs)

**SB 385**, to provide insurance coverage for court-ordered psychiatric and psychological services. (Commerce, Small Business and Consumer Affairs)

**SB 387**, authorizing legally constituted boards and commissions which are created for the purpose of state historic site restoration the option of retaining ownership of any historic site furnishings which they acquire with other than state funds. (State Institutions)

**SB 388-L**, relative to preserving utility licenses on municipal and state discontinued highways. (Municipal and County Government)

**SB 391**, relative to the use of surplus campaign contributions by candidates for state office. (Constitutional and Statutory Revision)

**SB 397**, relative to long-term job supports for severely disabled persons. (Labor, Industrial and Rehabilitative Services)

**SB 399-FN-L**, requiring rabies shots for cats. (Municipal and County Government)

**SB 400-FN-A-L**, requiring fees in addition to licensure fees for certain dogs which are not spayed or neutered and using the increase to fund a state animal population control program and continually appropriating the companion animal population control fund. (Municipal and County Government)

**SB 403-L**, requiring that dogs and cats placed by shelters and pounds be spayed or neutered. (Municipal and County Government)

**SB 404-FN**, relative to chiropractic practitioners and privileged communications. (Judiciary)

**SB 405-FN**, relative to driver attitude training for repeat and habitual offenders. (Transportation)

**SB 409**, relative to misrepresentations of weight by commercial packagers. (Environment and Agriculture)

**SB 412-FN-L**, relative to signage by nonprofit organizations in zoned commercial, or industrial areas. (Public Works)

**SB 417-FN**, requiring notification of associated costs of converting fuel heating systems and allowing recovery for costs of removal of leaking residential tanks from the oil discharge and disposal cleanup fund. (Resources, Recreation and Development)

**SB 418**, changing the title of juvenile services officers to juvenile probation-parole officers. (Children, Youth and Juvenile Justice)

**SB 420-FN**, relative to interviewing children under the provisions of the Child Protection Act. (Children, Youth and Juvenile Justice)

**SB 421-FN**, relative to fireworks. (Public Protection and Veterans Affairs)

**SB 427-FN**, requiring the registration of sexual offenders. (Judiciary)



**SB 428-FN**, designating segments of the Connecticut River for the rivers management program and allowing existing hydroelectric facilities to maintain operations. (Resources, Recreation and Development)

**SB 440-FN**, relative to water conservation strategy for community water suppliers. (Resources, Recreation and Development)

**SB 444**, relative to the definition of ski craft. (Transportation)

**SB 445-FN**, establishing a committee to study issues relating to the fishing industry. (Fish and Game)

**SB 447**, increasing the rate of interest paid on the amount of taxes abated. (Municipal and County Government)

**SB 462-FN**, relative to optional allowances and beneficiaries under the New Hampshire retirement system. (Executive Departments and Administration)

**SB 467-FN-L**, changing the interest rates on delinquent property taxes and subsequent taxes and requiring a certificate of tax payment prior to the moving of a building or structure. (Municipal and County Government)

**SB 470-FN-L**, relative to using electronic monitoring devices and community supervision as an alternative to prison. (Judiciary)

**SB 471-FN**, authorizing child day care to certain AFDC clients. (Health, . Human Services and Elderly Affairs)

**SB 472-FN**, relative to the victims' assistance fund, the definition of obscene material, modifying sexual assault statutes, and continuing a study committee. (Judiciary)

**SB 474-FN**, relative to regular sessions of a district court in towns within the district. (Judiciary)

**SB 475-FN**, relative to retirement system benefits for withdrawing nongovernmental employees. (Executive Departments and Administration)

Rep. Dana Christy moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 13

Thursday, February 27, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

We give You thanks, O Lord of life, for Your powerful love that sustains us when we are weary, abides with us when we are ill, revives us when we are heartbroken and sends us forth in energy and courage. Show us, O God, where love and faith and hope are needed and use us to bring them to those places and people. Amen.

Rep. Lachut led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Greenglass, Soldati, Fenton, Drake, C. Fitzgerald Buckley, Parr, Kinney, Morse, Robert Foster, Anderson, Pantelakos, Hambrick, Dana Kelley and Walsh, the day, illness.

Reps. Schmidchen, Simon, Spencer, Kincaid, Melnick, Rheault, Hashem, Ba-roody, DePecol, Woods, Musler, Stamatakis, Scanlan, Coffey, Lefebvre, Cornelius Keane, David Flanders, Harland, Asselin, Dwyer, Allen Wiggin and Keith, the day, important business.

Reps. Bradley and Stacey Cole, the day, death in the family.

Rep. Appleby, the day, illness in the family.

### INTRODUCTION OF GUESTS

David Feuer, son of Rep. Feuer. Valerie Byrd, Lonnie and Heather, daughter and grandchildren of Rep. Bell. Sixteen students, members of the UNH student Senate, guests of the Committee on Executive Departments and Administration. Katin Anne Daniels, guest of Rep. Beverly Gage. Sara McMurphy, guest of Rep. Richard Champagne. Paul Plamondon, guest of Rep. Drabinowicz. George Obidiegwu from Nigeria, guest of Rep. William Riley. Lorraine and Michael Dubisz, guests of Rep. Paquette.

### COMMUNICATIONS

February 25, 1992

Harold W. Burns, Speaker

It has been brought to my attention that Police Officers attending the session on Thursday, February 20, 1992, at Representatives Hall may have been in violation of House Rules, regarding the carrying of firearms.

As Chairman of the legislative committee of the New Hampshire Police Association, please accept my sincerest apologies for this mistake.

I can assure you that this violation was inadvertent on our part and we would not knowingly go against the House Rules.

James J. McGonigle, Jr., Chairman

N.H. Police Assoc. Legislative Committee

February 26, 1992

James Chandler, House Clerk

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Strafford County Dist. No. 7 (Dover Ward 1, 2, 3)

Bill Knowles, d, Dover (12 Wellington Ave.) 03820

William Gardner, Secretary of State

### COMMITTEE ASSIGNMENTS

Rep. David Cote, appointed to the Committee on Appropriations; off the Committees on Constitutional and Statutory Revision, Judiciary and Legislative Administration.

Rep. Frances Riley, appointed to the Committee on Appropriations; off the Committee on Public Protection and Veterans Affairs.

### SEAT ASSIGNMENTS

Rep. Baroody was assigned to Seat 2-51.

Rep. Knowles was assigned to Seat 2-48.

### HOUSE RESOLUTION NO. 59

saluting Jamie Lee Sample of Alton

WHEREAS, Jamie Lee Sample of Alton, is a talented young singer, and

WHEREAS, at the age of 13 years, she has already made a name for herself as a singer by performing at talent shows and for hospital, church and veterans groups around New Hampshire, and

WHEREAS, Jamie has been singing in public since the age of four, and

WHEREAS, she is daughter of Russell and Jean Sample of Alton, and

WHEREAS, she is an honor seventh grade student at Alton Central School, and

WHEREAS, she is studying voice professionally and hopes to become a music teacher, and

WHEREAS, on February 12th, 1992 Jamie made all of New Hampshire proud by her dramatic singing of the National Anthem before a joint session of the Legislature on the occasion of the visit of the President of the United States, now therefore be it

RESOLVED, by the House of Representatives in regular session convened, that Jamie Lee Sample be saluted and lauded for her musical accomplishments, and be it further

RESOLVED, that Jamie Lee Sample be recognized as an outstanding young citizen of New Hampshire, and that a suitable copy of this Resolution be prepared for presentation to her.

Adopted.

### SENATE MESSAGE CONCURRENCE

**HB 379-FN**, relative to advertising devices within highway rights-of-way.

### RESOLUTION

Rep. Gross offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1026 and 1501 and House Concurrent Resolutions number 30, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HCR

### First, second reading and referral

**HB 1026**, relative to a companion bill to the supplemental budget. (Hager of Merrimack Dist. 21 - To Appropriations)

**HB 1501-L**, relative to unfunded state mandates. (D. Young of Cheshire Dist. 1 - To Municipal and County Government)

**HCR 30**, relative to the small-issue industrial development bond program. (Gross of Merrimack Dist. 16; Chambers of Grafton Dist. 12; Trelfa of Grafton Dist. 2; B. Packard of Hillsborough Dist. 15; Hawkinson of Coos Dist. 8 - To Economic Development)

## SUSPENSION OF RULES

Rep. Grodin moved that the rules be so far suspended as to permit the Committee on Municipal and County Government to hold a public hearing on **HB 1501**, relative to unfunded state mandates, without the required notice.

Adopted by the necessary two-thirds.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1443-FN-L**, extending the time period allowed for redemption before a municipality may sell a property for nonpayment of property taxes, was removed at the request of Rep. Chambers.

**CACR 28**, relating to restricted motor vehicle revenues. Providing that excess motor vehicle revenues be appropriated for public transportation, was removed at the request of Rep. Douglas Hall.

**HB 1450**, establishing a 5-year capital budget plan, was removed at the request of Rep. Lougee.

Consent Calendar adopted.

**HB 1213**, clarifying that notice of claim of paternity be filed prior to a mother's voluntarily relinquishing her rights pursuant to an adoption. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dorothy C. Bowers for Children, Youth and Juvenile Justice: House Bill 1213 clarifies when the notice of a claim of paternity must be filed. The natural father would have, in most instances, nine months to file his notice. In many instances, an infant must be placed with an agency or a private couple within a few days of birth. The Committee would not allow an unstable condition to exist for the child any longer than is necessary. Vote 11-0.

4798L

### Amendment

Amend the bill by replacing section 1 with the following:

1 Filing of Notice of Claim of Paternity; Deadline Clarified. Amend RSA 170-B:5-a, I(c) to read as follows:

(c) A person who claims to be the father and who has filed notice of his claim of paternity with the office of child support enforcement upon the forms supplied thereby. The notice form shall indicate the claimant's willingness and intent to support the child to the best of his ability. The notice form may be filed prior to the birth of the child but must be filed prior to the mother's rights being voluntarily **relinquished**



pursuant to RSA 170-B:8, the mother consenting to an adoption pursuant to RSA 170-B:9, or involuntarily terminated. Failure to file the notice prior to this time shall bar the alleged father from thereafter bringing an action to establish his paternity of the child, and shall constitute an abandonment of said child and a waiver of any right to a notice of hearing in any adoption proceeding concerning the child.

**HB 1288**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services. REFER FOR INTERIM STUDY.

Rep. David R. Connell for Children, Youth and Juvenile Justice: The purpose of the bill has merit, but more time should be spent on studying the relative state and county fiscal impacts, the details of compliance with federal law, and mechanisms for a smooth transition. Vote 11-0.

**HB 1385-FN**, requiring the division for children and youth services to implement certain procedures for handling complaints regarding abused and neglected children. REFER FOR INTERIM STUDY.

Rep. David R. Connell for Children, Youth and Juvenile Justice: This bill raises several issues deserving further investigation concerning operations of DCYS which can be pursued in Interim Study. Vote 13-0.

**HB 1135**, relative to liquidation under the supervision of the bank commissioner. OUGHT TO PASS WITH AMENDMENT.

Rep. John Hunt for Commerce, Small Business and Consumer Affairs: By request of the Banking Department, this bill allows the bank commissioner to move before or with the FDIC rather than after the FDIC has already taken action against an insolvent bank. Vote 18-0.

4695L

#### Amendment

Amend the bill by replacing section 3 with the following:  
3 Effective Date. This act shall take effect upon its passage.

**HB 1141**, relative to retail installment sales of motor vehicles. OUGHT TO PASS WITH AMENDMENT.

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: This bill establishes the requirements for responses to consumer inquiries regarding retail installment sales of motor vehicles by sales finance companies and retail sellers licensed by the bank commissioner. It allows for a daily fine for not obtaining a license from the Bank Commissioner. The bill was requested of the banking department and is a good consumer bill. Vote 19-0.

4938L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:  
1 New Section; Consumer Inquiries. Amend RSA 361-A by inserting after section 4 the following new section:  
361-A:4-a Consumer Inquiries.

I. Consumer complaints naming licensees under this chapter, which are filed in writing with the office of the bank commissioner, shall be forwarded via certified or registered mail to the licensee for response within 10 days of receipt by the department. Licensees shall, within 30 days after receipt of such complaint, send a written

acknowledgment thereof to the consumer and the banking department. Not later than 60 days following receipt of such complaint, the licensee shall conduct an investigation of the complaint and either:

(a) Make appropriate corrections in the account of the consumer and transmit to the consumer and the banking department written notification of such corrections, including documentary evidence thereof; or

(b) Transmit a written explanation or clarification to the consumer and the banking department which sets forth, to the extent applicable, the reasons why the licensee believes its actions are correct, including copies of documentary evidence thereof.

II. A licensee who fails to respond to consumer complaints as required by this section within the time prescribed shall pay to the commissioner the sum of \$50 for each day such response is overdue. For purposes of this section, the date of transmission shall be the date such response is postmarked.

III(a). Licensees who, because of extenuating circumstances beyond the control of the licensee, are unable to comply with the time frames prescribed in this section, may make written request to the commissioner for a waiver of such time frames. Waivers shall not be granted or considered unless the request for the waiver:

(1) Is received by the banking department within 50 days following the licensee's receipt of the complaint;

(2) Specifies the reason for the request; and

(3) Specifies a date certain by which the licensee shall comply with the provisions of this section.

(b) Requests for waivers shall be either granted or denied within 5 days of receipt by the banking department.

IV. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner, small loan and vehicle finance division.

2 Penalties. Amend RSA 361-A:11 to read as follows:

361-A:11 Penalties.

I. Any person who shall [wilfully and intentionally] violate any provisions of this chapter, or engage in the business of a sales finance company in this state without a license therefor as provided herein, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Any person who shall engage in the business of a retail seller in this state without a license therefor as provided herein shall pay to the commissioner the sum of \$25 for each day such person engages in the business of a retail seller without a license. The commencement date of violations, for purposes of fines assessed to persons engaged in the business of a retail seller, shall be as follows:

(a) In the case of failure to renew an expired retail seller license, the first day of January following the date of expiration of said license.

(b) In the case of failure to obtain an initial license, the date the person commences business as a retail seller, or, if such date is indeterminable, the date the violation is discovered by the banking department.

[II.] III. Any person [wilfully] violating the provisions of RSA 361-A:7 [and] or 361-A:8 shall be barred from recovering any finance charge, delinquency or collection charge on the contract.

3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1191**, prohibiting insurance companies from cancelling a homeowner's policy solely on the basis that a claim has been filed. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: The committee feels this is good consumer legislation. The committee has amended the original bill to include timely payments of undisputed claims. Vote 21-0.

4987L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

prohibiting insurance companies from nonrenewing a homeowner's policy solely on the basis that a claim has been filed.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Payment of Incidental Costs. Amend RSA 407 by inserting after section 12 the following new section:

407:12-a Payment of Incidental Costs. In the event that an insured sustains a loss covered under the policy with respect to payment of undisputed incidental costs, including but not limited to rent, the insurer shall make payment for such costs within 15 days after receipt of a valid proof of loss. The insured may commence an action after the expiration of the 15 days to recover such costs.

2 New Section; Nonrenewal for Filing a Claim. Amend RSA 417-B by inserting after section 3 the following new section:

417-B:3-a Nonrenewal for Filing a Claim. The nonrenewal of a homeowner's insurance policy shall not be effective if such nonrenewal is based solely on the insured having filed a valid claim.

3 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill prohibits insurance companies from nonrenewing a homeowner's insurance policy solely on the basis that the insured has filed a valid claim.

**HB 1263**, requiring that a disclosure statement designed by the bank commissioner be attached to ALPS student loan promissory notes. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: This bill would have required the Bank Commissioner to develop by administrative rule a disclosure statement which would be attached to each promissory note for Alternative Loan for Parents and Students (ALPS) offered by Granite State Management and Resources. The bill's sponsor discussed her concerns with the parties involved. Changes were made to the application which addressed her concerns. The sponsor asked that the bill not be passed since her concerns were addressed. Vote 14-0.

**HB 1273**, relative to replacement and incidental costs of homeowner policy holders as a result of total loss due to fire. **REFER FOR INTERIM STUDY.**

Rep. Beverly A. Gage for Commerce, Small Business and Consumer Affairs: The Committee intends to study the many aspects of insurance riders and the great possibility of fraudulent practices that may be encountered in this market. Vote 21-0.

**HB 1295**, prohibiting discrimination in insurance policies against elected or appointed officials. **OUGHT TO PASS.**

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill prohibits insurance companies from refusing to offer umbrella insurance coverage to elected or appointed officials. Although this bill appears to be a mandate, the Committee felt that library trustees or other local officials should not be deprived of this coverage just because they are willing to serve their communities. Vote 14-0.

**HB 1302**, requiring banks to apply consistent, equitable, good faith standards in their lending practices. **REFER FOR INTERIM STUDY.**

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: The Committee would like the opportunity to study the issues in this bill and other issues in the changing banking industry. Interim study will allow the additional time needed to examine these important issues. Vote 20-0.

**HB 1317**, imposing a penalty for adjustable rate mortgage overcharges. **INEXPEDIENT TO LEGISLATE.**

Rep. William Tsiros for Commerce, Small Business and Consumer Affairs: The Committee found that if some errors have occurred in calculating rates, they were promptly corrected, and they were not in negligence. Also bank regulations define how the adjustable rates are calculated. Therefore, more legislation will only be excessive. Vote 13-3.

**HB 1330**, prohibiting certain credit card practices involving providers of travel services. **OUGHT TO PASS.**

Rep. William Tsiros for Commerce, Small Business and Consumer Affairs: This bill will stop and correct the unfair practice to New Hampshire travel agents from the aviation industry and tour organizers by setting prices and then charging credit card fees to agents. Vote 15-0.

**HB 1349**, requiring certain disclosure during recruitment by multi-level or network marketing corporations. **REFER FOR INTERIM STUDY.**

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: Although this bill addresses a problem that is not prevalent in this state, the Consumer Protection Office feels that model legislation will be forthcoming, and therefore the Committee is willing to work on this legislation this summer. Vote 14-1.

**HB 1491-FN-L**, requiring professional fundraisers for police, law enforcement and firefighters' associations to register with and be regulated by the department of justice, increasing the amount of the registration fee, solicitation fee and bond, and making technical amendments to the registration law. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs: This bill requires professional fundraisers for police, law enforcement and firefighters' associations to register with and be regulated by the director of charitable trusts, department of justice. The bill increases the registration fee, solicitation fee and bond to be paid by professional fundraisers. The bill makes certain technical amendments to the registration law required by recent United States Supreme Court decisions. The bill also establishes criminal penalties for violation of the laws regulating professional fundraisers. Vote 13-0.



5075L

**Amendment**

Amend RSA 7:28-c as inserted by section 1 of the bill by inserting after paragraph XI the following new paragraph:

**XII. Any person who has been convicted within the prior 5 years of any violation of this chapter, any rule adopted under this chapter, or a felony in this or any other state is prohibited from acting as a paid solicitor.**

Amend the bill by replacing section 2 with the following:

2 New Section; Criminal Penalty. Amend RSA 7 by inserting after section 32-a the following new section:

7:32-b Criminal Penalties. Any person who knowingly violates any provision of RSA 7:19 - 7:32-a shall be guilty of a misdemeanor if a natural person and guilty of a felony if any other person.

3 New Section; False Filing with Director of Charitable Trusts. Amend RSA 641 by inserting after section 7 the following new section:

641:8 False Filing with the Director of Charitable Trusts. A person shall be guilty of a class B felony if he knowingly makes a false entry in or false alteration of any registration statement, annual report or other information required to be filed with the director of charitable trusts.

4 New Subparagraph; Theft by Deception. Amend RSA 637:4, II(d) to read as follows:

(d) Fails to disclose a known lien, adverse claim or other legal impediment to the enjoyment of property which he transfers or encumbers in consideration for the property obtained, whether such impediment is or is not valid, or is or is not a matter of official record; or

(e) Misrepresents to or misleads any person, in any manner, so as to make that person believe that the person on whose behalf a solicitation or sales promotion is being conducted is a charitable trust or that the proceeds of such solicitation or sales promotion shall be used for charitable purposes, if such is not the fact.

5 Effective Date. This act shall take effect July 1, 1992.

**AMENDED ANALYSIS**

This bill requires professional fundraisers for police, law enforcement and firefighters associations to register with and be regulated by the director of charitable trusts, department of justice. The bill increases the registration fee, solicitation fee and bond to be paid by professional fundraisers. The bill makes certain technical amendments to the registration law required by recent United States Supreme Court decisions.

The bill also establishes criminal penalties for violation of the laws regulating professional fundraisers.

**HB 1281-FN-L**, implementing the concerns of Title IX relative to discrimination in athletics. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen M. Hoelzel for Education: This bill is premature as the select committee on sport gender equity has not yet issued its final report. Senate Bill 331 extends the equity study committee for another year and presents a process to conduct a statewide survey of schools and community sports programs in order to achieve better gender equity in athletics. Vote 14-0.

**HB 1231**, regulating the transportation, utilization and disposal of septage and sludge through the administration of a permit system that is no more stringent than federal law. **INEXPEDIENT TO LEGISLATE.**

Rep. Nancy Tarpley-Bamberger for Environment and Agriculture: The Committee has been assured that the Division of Water Supply and Pollution Control has sufficient authority to adopt by rule adequate regulations for the proper management of septage and sludge. Vote 14-0.

**HB 1162**, permitting advanced emergency medical care providers to possess or administer prescription drugs or controlled substances. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas G. Cain for Health, Human Services and Elderly Affairs: The Committee expressed concerns relating to the training of EMTIs and their access to and administration of controlled substances while in training. Vote 10-0.

**HB 1207**, exempting hospice programs from certificate of need review. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cecelia D. Kane for Health, Human Services and Elderly Affairs: This bill exempts hospice houses, which provide care for terminally ill persons, from the requirements of the certificates of need law. "Hospice House" means a free standing 24-hour residential setting, licensed under RSA 151 as a supported residential care facility for terminally ill individuals. Vote 10-0.

5096L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

exempting hospice houses from certificate of need review.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Definition Added. Amend RSA 151-C:2 by inserting after paragraph XIX the following new paragraphs:

XIX-a. "Hospice" means a concept of care to assist dying patients to live their remaining weeks or months as free of symptoms and as much in control as possible. Such care can be provided in the individual's home, in a residential setting outside of the individual's home or in a hospital or long-term care facility.

XIX-b. "Hospice house" means a free standing 24-hour residential setting licensed under RSA 151 as a supported residential care facility for terminally ill individuals with less than one year to live who no longer have a home or cannot remain safely there. Palliative care such as room, meals, personal care, medication monitoring and emotional support, is provided. Additional health care services may be provided to residents through arrangements with outside organizations as is currently available if the resident was in his own home.

2 New Subparagraph; Exemption Added. Amend RSA 151-C:13, I(f) to read as follows:

(f) Facilities and services which are intended to serve only outpatients and which do not require construction of greater than the appropriate threshold level, as determined under RSA 151-C:5, II(a) or RSA 151-C:5, II(f) or new equipment costing more than \$400,000[.];

(g) **Hospice houses.**

3 New Paragraph; License Required. Amend RSA 151-C:13 by inserting after paragraph II the following new paragraph:

II-a. Nothing in this chapter shall exempt hospice houses from the licensing standards established under RSA 151.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill exempts hospice houses which provide care for terminally ill persons from the requirements of the certificate of need law. Such houses must comply with all licensing laws.

**HB 1374**, establishing a task force on women at risk for drug and alcohol abuse during pregnancy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cecelia D. Kane for Health, Human Services and Elderly Affairs: This bill forms a task force to review prenatal abuse, i.e. to monitor and evaluate efforts of prenatal women on chemical dependency, to stay informed on issues relative to the latest methods of prevention and treatment, and to maintain coordination between state agencies which are addressing the problem Vote 15-0.

4863L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a task force on women at risk for alcohol  
and other drug abuse during pregnancy.

Amend the bill by replacing sections 1 and 2 with the following:

1 Statement of Purpose. The general court recognizes that the incidence of alcohol and other drug use by pregnant women has become a growing phenomenon and that the effects of such abuse on the infants include addiction, transmission of the human immunodeficiency virus, missing fingers and toes, strokes, seizures and other problems caused by constriction of regular blood flow during uterine growth and development. The general court addressed this problem when in 1990, 25 it established a study committee relative to women at risk for alcohol and other drug abuse during pregnancy. Therefore, the general court hereby enacts one of that committee's recommendations which was to establish the permanent task force in section 2 of this act.

2 New Subdivision; Task Force Established; Membership. Amend RSA 132 by inserting after section 18 the following new subdivision:

#### Task Force on Prenatal Chemical Dependency

132:19 Task Force Established; Membership.

1. There is established the task force on prenatal chemical dependency. The task force shall be composed of the following members:

(a) Two members of the house of representatives, appointed by the speaker of the house.

(b) Two members of the senate, or designees, appointed by the president of the senate.

(c) The director of the office of alcohol and drug abuse prevention; or designee.

(d) Three members from the committee established in 1990, 25, appointed by the former chair of such committee.

(e) Two members from the medical community, preferably obstetricians, appointed by the governor.

(f) The director of the division of public health services, department of health and human services, or designee.

(g) The director of the division for children and youth services, department of health and human services, or designee.

(h) The commissioner of the department of education, or designee.

(i) The chairman of the state liquor commission, or designee.

(j) A representative of the New Hampshire Family Planning Council, appointed by such council.

II. The term of office for members of the task force, except those appointed under subparagraphs I(d) and (e), shall be coterminous with the term of office in the position that qualifies that member to be a member of the task force. The term of office of each member appointed under subparagraphs I(d) and (e) shall be 2 years and until a successor is appointed and qualified.

132:20 Duties of Task Force; Report. The duties of the task force shall be as follows:

I. Conduct a continuing investigation and study of the problems of chemical dependency as it relates to pregnant women and their infants and recommend legislative action to provide necessary relief.

II. Cooperate and collaborate with other state agencies addressing this problem.

III. Hold such public hearings as may be necessary on matters pertaining to alcohol and other drug abuse by pregnant women. Such hearings may be conducted in any part of the state as circumstances require.

IV. Submit an annual report detailing the findings and actions taken by the task force to the speaker of the house, the president of the senate and the governor beginning one year after the effective date of this act.

132:21 Compensation. The members of the committee shall serve without compensation, except the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

**HB 1229-FN**, redefining "public property" to include property owned by certain tax-supported entities and permitting warrantless searches for controlled substances on such public property. **INEXPEDIENT TO LEGISLATE.**

Rep. David D. Hultgren for Judiciary: At the public hearing the sponsor was not pleased with the drafting of the bill. He did not feel it could be fixed at this time. Vote 13-0.

**HB 1233-FN-L**, requiring judges to issue a bench warrant for defaults on certain fines and establishing a \$40 sheriff's fee for service of such warrant. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Hoe Burling for Judiciary: The Committee feels this bill has serious constitutional problems. It won't pass muster with the courts. Vote 12-0.

**HB 1326**, requiring that service of process at a defendant's abode comply with court rules. **OUGHT TO PASS.**

Rep. Alf E. Jacobson for Judiciary: This bill legislatively establishes for the court the authority of setting down rules when administering service of process. The bill will take effect upon the adoption of New Hampshire Rules of Civil Procedure. Vote 14-0.



**HB 1412-FN-L**, requiring judges to issue bench warrants for any person scheduled by the court to make time payments who defaults on a time payment or a court appearance. **INEXPEDIENT TO LEGISLATE.**

Rep. Elizabeth D. Lown for Judiciary: The Committee sympathizes with the intent of the bill re the difficulties of collection of court fines, but to issue a bench warrant for non-payment clearly goes against a court case and would therefore be adjudged unconstitutional. Vote 13-0.

**HB 1418**, requiring the attorney general to consider the number of victims served when apportioning the victims' assistance fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Drucilla Bickford for Judiciary: The Victims' Witness Assistance office is working well after only a few years and any change in the funding is not recommended. Vote 11-2.

**HB 1167**, relative to the police commission in the town of Conway. **OUGHT TO PASS WITH AMENDMENT**

Rep. Katherine H. Metzger for Municipal and County Government: This bill, as amended, allows the Town of Conway to be subject to the provisions of RSA 105-c, which is the omnibus police commission bill. The intent in committee discussion was to make it clear to Conway that they have authority to deal with such minor administrative issues without having to come to the Legislature. There was no negative testimony. Vote 12-0.

5073L

### Amendment

Amend the bill by replacing all after section I with the following:

2 Referendum and Applicability. Section 1 of this act shall not take effect unless it is adopted by a majority vote of the registered voters of the town of Conway at the annual town meeting in March, 1992, or at any special meeting called for such purpose after the March, 1992, meeting. The question shall be placed on the warrant of such special or annual town meeting, and may be voted on by placing the question on the official ballot used to elect town officers, or on an official ballot separate from the official ballot used to elect town officers, prepared by the town clerk.

3 Option to Adopt RSA 105-C.

I. The town of Conway, at any annual or special meeting following the effective date of this act, may, under a properly inserted article in the warrant, vote to make its police commission subject to the provisions of RSA 105-C. The question shall be placed on the warrant of a special or annual town meeting, and may be voted on by placing the question on the official ballot used to elect town officers, or on an official ballot separate from the official ballot used to elect town officers, prepared by the town clerk. If such a vote is adopted, the provisions of 1969, 570 shall no longer apply as of the date on which the vote is taken, and all sections of RSA 105-C shall apply to the police commission for the town of Conway, except the provisions of 105-C:2 and 105-C:3, I and II.

II.(a) If such a vote is adopted, the term of office of each commissioner shall be for 3 years. Any vacancy occurring on the commission shall be filled by appointment of the board of selectmen until the next regular annual town meeting.

(b) If the town of Conway votes to adopt the provisions of RSA 105-C, this vote shall not affect the terms of office of police commissioners presently in office on the effective date of the vote. Police commissioners shall be elected in the town of Con-

way according to the provisions of RSA 105-C beginning with the first expiration of the term of office of a commissioner following the effective date of this act.

4 Option to Compensate Police Commission. RSA 105-C:6 is repealed and reenacted to read as follows:

105-C:6 Compensation.

I. The town, at the annual town meeting, may vote whether or not the police commissioners shall be compensated. If the town votes to compensate the police commissioners, the town shall also vote on the rate and amount of compensation to be paid.

II. If the police commissioners serve without compensation, they shall be reimbursed for all actual expenses incurred in the discharge of official duties.

5 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill gives the town of Conway the option of allowing the police commission to appoint police personnel, including staff, in addition to the currently allowable police officers, constables and superior officers.

The bill also:

(1) Gives the town of Conway the option of voting to adopt the provisions of RSA 105-C, which is the general statutory authority for police commissions in towns, and which would supersede the existing session law for the Conway police commission.

(2) Allows towns to vote to compensate police commissioners.

**HB 1202**, permitting municipalities that have biennial municipal elections to submit charter changes for approval at biennial state elections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martha Fuller Clark for Municipal and County Government: For municipalities that have biennial municipal elections, this bill will permit submission of charter changes at biennial state elections and save those municipalities the cost of special election. All testimony was favorable and the Committee believes it is a reasonable change. Vote 14-0.

4734L

#### Amendment

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

**HB 1215**, repealing requirements for reporting income by certain county and municipal court officers. **INEXPEDIENT TO LEGISLATE**

Rep. Eugene W. Clark for Municipal and County Government: The Committee felt that the public is used to going to the Secretary of State for information on county officials. We feel that this has worked very well and does not put an undue burden on local officials. Vote 11-1.

**HB 1329-FN-L**, specifying the time for the municipal treasurer to make payments of annual budget funds to the village district. **OUGHT TO PASS WITH AMENDMENT**

Rep. Paul A. Golden for Municipal and County Government: This bill as amended addresses the payments to a village district necessary for the maintenance of the village district, as agreed upon in a written contract. All testimony was favorable.

Unanimous concurrence of the Municipal and County Government Committee.  
Vote 12-0.

5081L

### Amendment

Amend the bill by replacing section 1 with the following:

1 Payment to Village Districts. RSA 52:16, II is repealed and reenacted to read as follows:

II.(a) The municipal treasurer shall make payment to the village district of the funds called for by the village district annual budget as follows:

(1) Payment shall be made in full not later than December 17, of each year;

or

(2) Payment necessary for the maintenance of the village district may be made to the village district as agreed upon in a written contract between the municipality and the village district.

(b)(1) If the payment specified in subparagraph II(a)(1) is not made by December 17, of that year, the municipality shall pay interest on any balance due from December 17 to the date of payment at 12 percent per year.

(2) If payment as specified in subparagraph II(a)(2) is not made by the due date, interest on any overdue balance shall be paid by the municipality, calculated from the due date to the date of payment, at 12 percent per year.

### AMENDED ANALYSIS

This bill requires the municipal treasurer, who is required to make payments to a village district as a result of the village district annual budget, to make such payment in full on or before December 17, or as agreed by contract for the necessary maintenance of the district. Late payments shall be subject to an annual 12 percent interest charge, calculated from the due date to the date of payment.

**HB 1178**, extending the appropriation for the Manchester district court facility.  
**OUGHT TO PASS.**

Rep. William J. Driscoll for Public Works: This bill extends the lapse date of the 1991 legislation which appropriated \$250,000 for the "site location, design, architectural plans and rehabilitation and renovation of a new Manchester District Court facility." The bill also adds "land acquisition" as a possible use of the funds. The Committee, by endorsing this legislation, remains strong in its belief that a new facility is needed. Vote 13-0.

**HB 1272**, establishing a committee to study construction-related traffic control.  
**INEXPEDIENT TO LEGISLATE.**

Rep. Gene G. Chandler for Public Works: The Committee felt that a study of flagmen as they perform their duties is not necessary at this time. It was felt that the industry is doing a good job training the flagmen and until such time as problems exist, legislation would not be necessary. Vote 13-0.

**HB 1361**, establishing a committee to study state motor vehicle fleet management.  
**OUGHT TO PASS.**

Rep. Beaton Marsh for Public Works: The purpose of House Bill 1361 is to study the present purchasing, maintenance and assignment programs of the state vehicle fleet. If conclusions of the study indicate a need, a statewide fleet management plan will be submitted to the Legislature. Vote 13-0.

**HCR 22**, showing the general court's non-support for the federal wetlands policy of manufacturing wetlands to replace wetlands taken for highway construction. **INEXPEDIENT TO LEGISLATE**.

Rep. Sandra B. Keans for Public Works: The Committee believes this resolution would send the wrong message about the environment at this time. We have a state that thrives on and encourages tourism. While there have been some major delays as a result of wetland standards, the Committee believe both builders and environmentalists are now communicating and developing an understanding of all sides of the debate. Vote 14-0.

**HB 1120-FN**, relative to increasing the number of times a person may assist at certain bingo and lucky 7 games. **INEXPEDIENT TO LEGISLATE**.

Rep. Betsy McKinney for Regulated Revenues: The Committee felt that this well-intentioned bill, trying to help the small bingo games compete with the large games, would be detrimental to the small charities that really operate their own games and would aid the large commercial halls who operate every night of the week under the auspices of a different charity each time. Vote 13-1.

**HB 1345**, allowing off-sale beer and wine licensees to advertise by signs and posters. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Arthur P. Klemm, Jr. for Regulated Revenues: The bill, as amended, allows off-premise licensees to advertise beer and wine prices on the outside or from the inside of the premise in accordance with the rules adopted by the commission. This allows our border communities to compete with out-of-state advertising. Vote 12-0.

4983L

### Amendment

Amend the bill by replacing section 1 with the following:

1 Advertising by Signs Permitted. Amend RSA 179:25, 1 to read as follows:

I. An off-sale licensee may display on the outside of the premises 2 non-internally illuminated signs reading BEER AND ALE, BEER IN BOTTLES, BEER, or any combination approved by the commission and may display on the outside of the premises 2 non-internally illuminated signs reading WINE, WINE IN BOTTLES, WINES or any combination or size approved by the commission. **An off-sale licensee may also display other types of signs and posters advertising beer and wine prices on the outside or from the inside of the premises, in accordance with rules adopted by the commission under RSA 541-A, relative to size, illumination, location and any other criteria the commission deems necessary.**

**HB 1373**, prohibiting special "happy hour" prices and promotions on drinks sold by liquor licensees. **INEXPEDIENT TO LEGISLATE**.

Rep. Edward J. Flynn for Regulated Revenues: The Committee, after a strenuous executive session, voted that the bill be Inexpedient to Legislate. The members felt that it was an invasion of private businesses that are already subject to regulation and surveillance by established law. "Price fixing" and business regulation by outside forces was found to be objectionable. Social consciousness and keen awareness of current trends has, the Committee found, already materially decreased a shrinking schedule of "happy hours." This move, it was felt, would be the best solution to the question posed by the basic bill. Vote 15-0.



**HB 1208**, requiring approval to increase daily load on a sewage disposal system and permitting any single family dwelling served by an approved holding tank to change from seasonal to full-time use. **INEXPEDIENT TO LEGISLATE.**

Reps. Robert E. Marston and Donald L. Roulston for Resources, Recreation and Development: This bill was voted Inexpedient to Legislate for the following reasons. The Department of Environmental Services, while desiring some clarification of existing language in the statutes, opposes this approach. Other witnesses opposed the provision which would limit some of the powers granted to municipalities in 1967 by RSA 149-E. Vote 10-4.

**HB 1214**, concerning the procedure for enforcement of certain state environmental laws by individuals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Ellen Martin for Resources, Recreation and Development: This bill establishes a study committee which would seek information to determine if any need exists to consider integrating citizen participation with current levels of governmental process. Of particular concern is allowing time for issues to be addressed through the authority this Legislature gave to municipalities last session in RSA 485:20 which became effective in January of this year. Vote 13-3.

4890L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a study committee to assess present enforcement of certain  
state environmental laws by environmental regulatory agencies of  
the state of New Hampshire

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Report.

I. There is hereby established a study committee to assess the enforcement of certain state environmental laws by environmental regulatory agencies of the state of New Hampshire. The purview of the committee shall include, but not be limited to, an examination of the following issues:

(a) The enforcement of state environmental laws pertaining to waste disposal, wetlands, drinking water, terrain alteration and sewage disposal by requisite agencies of the state.

(b) The extent to which environmental regulatory agencies of the state and the department of justice are implementing their statutory enforcement authority.

(c) The extent to which environmental regulatory agencies of the state are presently capable of implementing their statutory enforcement authority.

(d) The extent to which municipalities are utilizing injunctive relief against existing or impending violations of state environmental laws, or any rule or order issued under state environmental laws.

II. The committee shall keep a record of all data relevant to and in support of insufficient or deficient enforcement of state environmental laws.

III. The study committee recommendation, including any recommendation for legislation, shall be in the form of a report to be submitted by November 1, 1992, to the house resources, recreation and development committee for review and subsequently to the governor, the speaker of the house and the president of the senate.

2 Committee Membership; Compensation.

I. The committee members shall be as follows:

(a) Two members of the house environment and agriculture committee, appointed by the speaker of the house.

(b) Two members of the house resources, recreation and development committee, appointed by the speaker of the house.

(c) Two members of the house municipal and county government committee, appointed by the speaker of the house.

(d) Three members of the senate, appointed by the president of the senate.

II. The committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Meetings. The first named house member shall call the organizational meeting to be held within 30 days after the effective date of this act.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to assess present enforcement of certain state environmental laws by environmental regulatory agencies of the state of New Hampshire.

**HB 1198**, requiring every public utility which is requesting a change in its rate structure to notify each affected municipality of the proposed change. **INEXPEDIENT TO LEGISLATE**.

Rep. Charles C. Vogler for Science, Technology and Energy: Public Utilities Commission (PUC) rules currently require the notification of all customers of pending rate increases. In addition, the PUC has agreed to amend its rules so as to notify all municipalities of the date, time and location of prehearing conferences on rate increase requests. Therefore, the sponsor and the Committee agree that this bill is Inexpedient to Legislate. Vote 11-0.

**HCR 24**, urging President Bush to establish a panel or commission to review access to current health care systems and to adopt unified access to health care in this country. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Lawrence J. Guay for State-Federal Relations: HCR 24 urges the President to establish a Commission to review access to current health care systems and provide recommendations regarding a system of uniform access to the system by all Americans. The Committee feels that the Commission, made up from the medical field, insurance industry and general public, would develop and recommend issues of universal access to health care with choice, cost containment and comprehensive benefits. Also, the commission would urge Congress to enact a national health program for all Americans. Vote 10-0.

4580L

#### Amendment

Amend the resolution by replacing the title of the resolution with the following:

#### A RESOLUTION

urging the President to establish a commission to review access to current health care systems and to adopt unified access to health care in this country and urging Congress to enact recommendations of the commission.

Amend the resolution by replacing all after the title with the following:

Whereas, there is a crisis in medical care and insurance throughout the country due to escalating costs; and

Whereas, the individual states are finding the problem cannot be solved locally; now, therefore be it

Resolved by the House of Representatives, the Senate concurring:

That the President be urged to establish a commission to review access to the current health care system and provide recommendations regarding a system of uniform access to health care throughout the country, including various levels of entry to the system and access by all; and

That the commission include representatives from the medical field, representatives from the insurance industry, members of the general public, members of the business community, and members of the United States Congress; and

That it shall be the commission's duty to develop a health program addressing and making recommendations with regard to issues of universal access to health care for all Americans, cost containment, and a choice of programs including comprehensive benefits; and

That Congress be urged to enact a national health program adopting the recommendations of the commission; and

That copies of this resolution, signed by the speaker of the house of representatives and president of the senate be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation.

#### AMENDED ANALYSIS

This concurrent resolution urges the President to establish a commission to review access to current health care and to adopt uniform access to health care in this country and urging Congress to enact recommendations of the commission.

**HB 1118**, relative to membership of the permanent committee for barrier-free design. OUGHT TO PASS.

Rep. Scott E. Green for State Institutions and Housing: This is a simple housekeeping measure to make the permanent committee for Barrier-Free Design more efficient. Vote 13-0.

**HB 1151**, transferring the jurisdiction over the Dolloff building at New Hampshire hospital from the division of mental health and developmental services to the department of cultural affairs. OUGHT TO PASS WITH AMENDMENT.

Rep. Leon Calawa, Jr. for State Institutions and Housing: House Bill 1151 has considerable history. Last year House Bill 151 and House Bill 219 were combined into House Bill 219 calling a study of the New Hampshire State Hospital campus for potential future use. Although it passed the House, the Senate was informed that the study would appear in the Capital Budget and the bill was consequently killed. Only demolition of the Walker Building at a cost of 2.8 million was in the Capital Budget as pertains to the State Hospital. This was removed in Committee and the Capital Budget was approved by the House. The item was restored by the Senate in the amount of 1.8 million and it survived the Committee of Conference. After prolonged debate largely centered on this item, the Capital Budget was narrowly passed by the House. Demolition of a viable building before study has been made puts the cart before the horse. There has probably been more misinformation concerning the Walker Building than

on most issues coming before the Legislature. One bit concerns studying the building. A study was done in 1976 specifically to determine its suitability for a forensic unit, but it was a very limited study and not pertinent to office use. The building was in beneficial use until the activities were moved out in September 1991 and all maintenance was suspended. This is referred to in preservation jargon as demolition by neglect and is an irresponsible action. There has, as yet, been no explanation as to why the building should be demolished. The Committee of Conference report refers indirectly to the possible use of the area as a parking lot. If this is correct, it raises more problems, such as the fact that there is vacant space in abundance at the Hospital, and a parking garage similar to the new one at the Concord Hospital could be built at a lower cost than 1.8 million. The intersection of Fruit, Pleasant and Warren Streets is terribly congested currently and a parking lot or garage near that intersection would further congest it. There was testimony at the public hearing from a wide spectrum; State employees, private, non-profit organizations having to do with historic resources, state chapter of the American Institute of Architecture, private citizens and more. Every witness except one testified in favor of the bill. Vote 12-0.

5122L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

transferring the jurisdiction over the Walker building at New Hampshire hospital  
from the division of mental health and developmental services to the  
department of cultural affairs and establishing a committee to  
study the economic feasibility of utilizing vacant space  
at the New Hampshire hospital for  
certain state offices.

Amend the bill by replacing all after the enacting clause with the following::

1 Transfer of Jurisdiction over Walker Building. Notwithstanding any provision of RSA 4:39-a or RSA 10 to the contrary, the jurisdiction over the Walker building at New Hampshire hospital is hereby transferred from the division of mental health and developmental services to the department of cultural affairs, so that all space in the Walker building shall be controlled by such department.

2 Committee Established; Purpose. A committee is hereby established to study whether it is economically feasible for state offices, currently in rental or state-owned office space, to utilize vacant space at the New Hampshire hospital and whether it would be economical and a more efficient use of space to restore and rehabilitate buildings now in use at the New Hampshire hospital. The committee may consult with individuals and organizations having an interest and an expertise in the areas which the committee studies.

3 Membership. The committee shall consist of the following:

I. Two members of the house, appointed by the speaker of the house. One of the members shall be from the house appropriation committee and one shall have experience in construction or renovation.

II. Two members of the senate, appointed by the president of the senate. One of the members shall have experience in the field of business.

III. The commissioner of the department of health and human services, or designee.

IV. The commissioner of the department of cultural affairs, or designee.



V. The superintendent of the New Hampshire hospital.

VI. Two members of the general public, appointed by the governor. One member of the general public shall have professional experience in renovation and the other shall be an architect.

4 Initial Meeting. The committee shall hold its first meeting within 30 days of the effective date of this act. The committee shall choose a chairperson from among its members at the initial meeting of the committee.

5 Committee Report. The study committee shall submit a report on its findings, including recommendations for legislative or executive action, to the speaker of the house, president of the senate, and the governor no later than November 1, 1992.

6 Repair of Buildings. Until the study committee has submitted its report and made its recommendations, those agencies responsible for buildings on the grounds of the New Hampshire hospital shall maintain those buildings in sound condition and shall take no action which would prevent or limit their restoration or rehabilitation.

7 Mileage. Legislative and state employee committee members shall receive mileage at their respective rates.

8 Architectural Study. The commissioner of the department of cultural affairs shall determine whether to accept the offer of the American Institute of Architects, New Hampshire Chapter to conduct a pro bono architectural study of the Walker building no later than 30 days after the effective date of this act.

9 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill transfers jurisdiction over the Walker building at New Hampshire hospital from the division of mental health and developmental services to the department of cultural affairs.

This bill establishes a committee to study whether it is economically feasible for state offices currently in rental or state-owned office space to utilize vacant office space at the New Hampshire hospital.

This bill also requires the commissioner of the department of cultural affairs to determine whether to accept the offer of the American Institute of Architects, New Hampshire Chapter to conduct a pro bono architectural study of the Walker building.

Referred to Appropriations.

**HB 1164**, relative to seaplanes operating on bodies of water in New Hampshire. OUGHT TO PASS WITH AMENDMENT.

Rep. Richard Haynes for Transportation: The bill adds a definition for seaplanes. Seaplanes are to be subject to the marine rules of navigation while operating on the public waters of the state, except while in the process of taking off or landing. Vote 15-1.

4689L

#### Amendment

Amend RSA 270:12, II as inserted by section 2 of the bill by replacing it with the following:

**II. Notwithstanding the provisions of RSA 270:12, I, any hearings regarding the closing or restricting of any body of water to seaplanes shall be addressed to and heard by the commissioner of safety or his designee. Prior to issuing a decision, the commissioner shall consult with the director of aeronautics, department of transportation.**

Amend RSA 270:13-a as inserted by section 3 of the bill by replacing it with the following:

**270:13-a Operation of Seaplanes or Helicopters on Public Waters.**

I. Any seaplane or any helicopter on floats which lands on public waters shall be exempt from all laws and rules concerning the operation of boats for the purpose of landing and taking off from such public waters.

II. Any seaplane or any helicopter on floats shall exercise due caution and respect for the rights and safety of any person or boat using the public waters.

III. Notwithstanding any other provision of law, any lake or pond which allows the operation of boats equipped with a motor of 35 horsepower or more shall allow the normal operations of seaplanes and float helicopters, including landing and taking off on such waters.

**HB 1166**, changing the definition of "commercial boat" for the purposes of boat registration and limiting rafting of boats. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George N. Katsakiores for Transportation: In extensive negotiations between the Department of Safety and others interested in the rafting of boats on our lakes, it was agreed there is no great priority to change the current statutes. The Committee concluded no additional statutory changes are required at this time. Left in the bill for passage are definition changes and the inclusion of a "classic-antique" boat exemption from a muffler requirement which meets the decibel levels established in RSA 270:37. Vote 10-0.

5022L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

changing the definition of "commercial boat" for the purposes of boat registration and granting a muffler exemption for antique and classic boats.

Amend the bill by replacing all after the enacting clause with the following:

1 Technical Correction. Amend RSA 270:46-a, I(a) to read as follows:

(a) **Laws or rules relative to** speed limit, safe passage, or personal flotation devices [rules adopted under RSA 541-A];

2 Definition Changed. Amend RSA 72-A:1, I-a to read as follows:

I-a. "Commercial boat" means a vessel used [exclusively] **primarily** for commercial purposes which, in the case of vessels used for tidal and coastal waters, is verified by the port authority by means of a notarized document affirming that the vessel is so used.

3 Definition Clarified. Amend RSA 270-E:2, II by inserting after subparagraph (d) the following new subparagraph:

(e) A vessel used primarily for commercial purposes which, in the case of vessels used on tidal and coastal waters, is verified by the port authority by means of a notarized document affirming that the vessel is so used.

4 Muffler Exemption for Antique and Classic Boats. Amend RSA 270:25 by inserting after paragraph II the following new paragraph:

III. The provisions of this section shall not apply to antique boats or classic boats which have met the decibel levels established in RSA 270:37 and have been issued a permit exempting them from this section. For the purposes of this section "antique

boat” means a boat built prior to 1943 and “classic boat” means a boat built between 1943 and 1968 inclusive.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

The bill expands the definition of “commercial boat” to include boats used primarily, as opposed to exclusively, for commercial purposes in the boat registration law.

This bill also exempts antique and classic boats from the muffling device requirement.

**HB 1188**, approving the operation of a water ski course on Squam Lake by the Squam Lake Ski Club. REFER FOR INTERIM STUDY.

Rep. J. Keith Markley for Transportation: The Committee felt that the Department of Safety could solve this problem and that legislation was not necessary at this time. The Department of Safety agreed to hold a hearing before the summer of 1992. Vote 10-0.

**HB 1290**, requiring operators of commercial vessels or commercial outboard motors to be certified only when engaged in a commercial activity. INEXPEDIENT TO LEGISLATE.

Rep. Thaddeus E. Klemarczyk for Transportation: The Committee felt the testimony presented at the Committee hearing did not present sufficient substance for the passage of this bill. Vote 11-0.

#### SUSPENSION OF RULES

Reps. Gross and Chambers moved that the rules be so far suspended as to permit consideration at the present time of **SB 372**, authorizing industrial development financing for the Manchester Airport.

Rep. Gross spoke in favor.

Adopted by the necessary two-thirds.

**SB 372**, authorizing industrial development financing for the Manchester Airport. OUGHT TO PASS.

Rep. Fredrik Peyron for Economic Development: This bill is considered one of the most important economic development issues of the year. The Industrial Development Authority is issuing the bonds. The bonds will be paid back by the Manchester Airport Authority and are fully guaranteed, interest and principal, by the State of New Hampshire. All testimony was favorable. Testimony indicated that only 20 percent of projected revenues would be needed to retire long term indebtedness. Vote 12-0.

Adopted.

Ordered to third reading.

#### SUSPENSION OF RULES

Reps. Gross and Chambers moved that the Rules be so far suspended as to permit third reading, and final passage at the present time of **SB 372**, authorizing industrial development financing for the Manchester Airport.

Adopted by the necessary two-thirds.

#### Third reading and final passage

**SB 372**, authorizing industrial development financing for the Manchester Airport.

**REGULAR CALENDAR**

**HB 1464-FN-A**, relative to children and family services and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Ellen-Ann Robinson for Children, Youth and Juvenile Justice: The important elements of this bill relative to CHINS has been incorporated into HB 1485. Therefore this bill has been voted Inexpedient to Legislate as all statutory changes regarding children and families are now addressed in one bill. Vote 16-0.

Adopted.

**HB 1253**, requiring the bank commissioner to report to the legislature at public hearings twice per year. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: The sponsor of the bill and the committee chair discussed having the Bank Commissioner appear before the Commerce Committee for informational purposes. As the oversight committee for banking, Commerce may have the Commissioner come in at any time and for any reason. It has been the practice to have the Commissioner come in each year to present an overview of current issues and answer questions from committee members. Other legislators may attend these meetings. With this information, the sponsor indicated that her concerns are being addressed, the legislation is not necessary. Vote 21-0.

Adopted.

**HB 1336**, prohibiting insurance companies from mandating specific motor vehicle glass repair shops. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Lawrence J. Guay for the Majority of Commerce, Small Business and Consumer Affairs: House Bill 1336 had a lengthy hearing including all concerned parties for insurance companies, New Hampshire insurance companies, New Hampshire Insurance Department, glass repair shops, and other interested consumers. A Subcommittee work session with all of the above groups was also held. It was agreed that the Insurance Department would send a letter to the insurance companies putting them on notice of insurance regulation 1001.04, which is clear and states as follows: "In processing any claim for damage to any motor vehicles as defined in RSA 268:1 IX, the insurer shall not require as a condition to payment of such claims that repairs be made in a particular place or shop or by a particular concern." Also the letter states "continued violation of this regulation will not be tolerated and penalties will include a fine and/or suspension or revocation of certificates of authority." The Committee wished to have House Bill 1336 in Interim Study in order to monitor the agree process. Vote 14-1.

Rep. George H. Baker for the Minority of Commerce, Small Business and Consumer Affairs: House Bill 1336 is a consumer bill. The insurance companies are going against the law as written, and nothing is being done. More and more the freedom of choice is being taken away from individuals. Are we or are we not a free people in a free country? This bill allows you the freedom of having any glass repairs done at a place of your choice and not being told where you have to go.

Referred for Interim Study.

**HB 1392**, requiring the insurance commissioner to report to the legislature at public hearings twice per year. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: The sponsor of the bill and the committee chair discussed having the Insurance Commis-



sioner appear before the Commerce Committee for informational purposes. As the oversight committee for insurance, Commerce may have the Commissioner come in at any time and for any reason. It has been the practice to have the Commissioner come in each year to present an overview of current issues and answer questions from committee members. Other legislators may attend these meetings. With this information, the sponsor indicated that her concerns are being addressed, and the legislation is not necessary. Vote 20-0.

Adopted.

**HB 1478-FN-L**, restructuring the Pease development authority. OUGHT TO PASS WITH AMENDMENT.

Rep. Anthony Syracuse for Commerce, Small Business and Consumer Affairs: The Commerce Committee recognizes that the key to the economic future of the seacoast is the successful redevelopment of the Pease Air Force Base. In 1990, the legislature created the Pease Redevelopment Authority. The bill before you merely fine tunes the original legislation by making two (2) changes. One change relates to the selection criteria used when appointing the Strafford County representative to the Authority. The change would cause no disruption in the current make-up of the board because it would not take effect until the current Strafford County appointee's term expires in 1993. This change is intended to make the Strafford representative more responsive to a region which is significantly impacted by the development of Pease. It also provides for a more balanced Authority which would be attuned to local, regional and state issues. The second change requires the Pease Development Authority to initiate requests for proposals (RFP's) for all expenditures in excess of \$10,000. This provision would merely bring the Authority on-line with all other state and municipal governing bodies. Vote 14-5.

5116L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Strafford County Representative. RSA 12-G:4, I(g) is repealed and reenacted to read as follows:

(g) One member appointed by majority vote of the legislative delegation of Strafford county including the senators whose districts include towns in Strafford county. The member appointed in this manner shall be a resident of Strafford county and shall serve an initial term of 2 years beginning June 1, 1993. Subsequent terms shall be governed by the provisions of this section. The member appointed in this manner may be removed from office for cause after hearing by the Strafford county legislative delegation.

2 Requests for Proposals Required. RSA 12-G:7, VIII is repealed and reenacted to read as follows:

VIII. To make and execute agreements, contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic, provided that no contract in excess of \$10,000 including contracts under paragraphs III and XV, shall be made without requests for proposals except that this requirement may be eliminated by a majority vote of the board of directors on any particular matter.

3 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill changes the method of appointment for the Pease development authority board member from Strafford county and mandates that the board use requests for proposals for contracts in excess of \$10,000. The requirement for a request for proposal may be waived by a majority vote of the board.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1222-FN-L**, establishing an out-of-district tuition program for pupils in school districts not maintaining their own high schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Nils H. Larson, Jr. for the Majority of Education: If during the term of a tuition agreement a receiving school loses its accreditation, the sending school district board may grant exemptions, when applied for, to students to attend an accredited school. Vote 13-5.

Rep. Kathleen M. Hoelzel for the Minority of Education: Accreditation by a private organization, which this bill addresses, is totally unrelated to approval by the Department of Education, State of New Hampshire. If this bill passed, it would set a precedent whereby this Legislature would be stressing its support of a particular private organization. The particular school district involved and any others should settle the matter of accreditation through contract language and negotiations, not through legislation.

4923L

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

authorizing schools to modify authorized regional enrollment area (AREA) agreements.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Modification of Area Agreement. Amend RSA 195-A by inserting after section 15 the following new sections:

195-A:16 Modification. Parties to any authorized regional area agreement may, either at the time of the original agreement, or at any subsequent modification of the agreement, specify that the agreement shall cover less than 100 percent of the student population of the sending district.

2 Exemption Added. Amend RSA 195-A:4-a to read as follows:

195-A:4-a Exception. Notwithstanding any other provision of law or any agreement between a receiving district and a sending district, the school board of a receiving district and the school board of a sending district may mutually agree upon a showing of hardship by pupils from a sending district to exempt such pupils from any agreement requiring them to attend the receiving district's schools. A pupil exempted from such agreement would make suitable arrangements to attend school outside the receiving district. The sending district shall be liable for tuition payments to the district of actual attendance. Any exception so granted shall be for the period of one school year and shall be renewed only upon mutual agreement between the school boards concerned. **In the case of the withdrawal of accreditation by the accrediting agency of the school attended in the receiving district, and by application of the**

person having custody of the pupil, the board of the sending district may agree to exempt pupils from a sending district from any agreement requiring them to attend the receiving district's schools. If the sending district grants the exemption, this exemption provision shall remain in effect until the accreditation of the receiving school is reinstated. A pupil exempted under this section may complete the academic year in the school to which the pupil is assigned.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows any party to an authorized regional area agreement, either at the time of the original agreement or at any subsequent modification, to specify that the agreement will cover less than 100 percent of the student population of the sending district.

This bill also allows a sending school to exempt pupils from any agreement to attend a school that loses accreditation. Any person that has custody of a child attending an unaccredited school may request an exemption from the sending agreement until the receiving schools accreditation has been reinstated. Any pupil that is exempted will be allowed to complete the academic year in the assigned school.

Rep. Hoelzel moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Rep. Burling spoke against.

Rep. Larson spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

#### YEAS 133

Accornero, Harry  
Johnson, Carl R.  
Zaharchuk, Peter J., Jr.

Allard, Nanci A.  
Wiggin, Gordon E.

Crutchley, Donald O.  
Kennison, Wayne A.

Brungot, Catherine V.  
Oliver, Terry D.

Dow, David  
McIlwaine, Deborah P.

Alukonis, David J.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Domaigne, Jacquelyn M.

Cain, Thomas G.  
Rice, Thomas E. P., Jr.  
Ziegra, Alice S.

**CARROLL**  
Dodge, A. Gibb, Jr.

**CHESHIRE**  
Feuer, Joseph N.  
Laurent, John J.

**COOS**  
Coulombe, Henry W.  
Pratt, Leighton C.

**GRAFTON**  
Driscoll, William J.  
Nielsen, Niels F., Jr.

**HILLSBOROUGH**  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Clemons, Jane A.  
Donovan, Francis X.

#### NAYS 193

Golden, Paul A.  
Turner, Robert H.

Saunders, Howard N.

Hunt, John B.  
Mohr, Frederick C., Jr.

Marsh, Beaton

Hill, Richard L.  
Trelfa, Richard T.

Bourque, Ann J.  
Carpenter, Karen A.  
Dodge, Emma M.  
Drolet, Paul L.

Ferlan, Arthur P.  
 Holden, Carol H.  
 Kurk, Neal M.  
 Laughlin, J. Francis  
 Martin, Mary Ellen  
 Mercer, Robert S.  
 Nardi, Theodora P.  
 Riley, Frances L.  
 Rothhaus, Finlay C.  
 Tarpley-Bamberger, Nancy L.  
 White, John M.

Fields, Dennis H.  
 Janas, Gregory  
 Lachut, Ervin R.  
 Lawrence, Eva M.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 Ouellette, Robert O.  
 Robinson, Ellen-Ann  
 Sallada, Roland A.  
 Upton, Barbara A.  
 Wright, George W.

Ford, Nancy M.  
 King, Frank P.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Paquette, Rodolphe G.  
 Rodgers, G. Philip  
 Stiles, Walter A.  
 Wheeler, David K.

#### MERRIMACK

Apple, Lowell D.  
 Daneault, Gabriel J.  
 Molner, Mary E.  
 Whittemore, James A.

Chandler, Earle W.  
 Dunn, Miriam D.  
 Nichols, Avis B.

Christie, Thomas J.  
 Feuerstein, Martin  
 Teague, Bert

#### ROCKINGHAM

Barnes, John S., Jr.  
 Christie, Andrew, Jr.  
 Cooke, Annette M.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Schanda, Joseph, Sr.  
 Sytek, Donna P.  
 Warburton, Calvin

Boucher, William P.  
 Connell, David R.  
 Dowling, Patricia A.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 MacKinnon, Nancy W.  
 McCain, William F.  
 Rosencrantz, James R.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Welch, David A.

Campbell, Marilyn R.  
 Conroy, Janet M.  
 Dube, LeRoy S.  
 Ford, Bert H.  
 Haynes, Richard  
 Hurst, Sharleene P.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Rubin, George R.  
 Smith, Arthur W.  
 Tufts, Arthur  
 Weyler, Kenneth L.

#### STRAFFORD

Foss, Patricia H.  
 O'Brien, John

Gilmore, Gary R.  
 Pageotte, Donald P.

Jankowski, Peter M.  
 Pelley, Janet R.

#### SULLIVAN

Allison, David C.  
 Lindblade, Eric N.  
 Porter, Robert H.

Domini, Irene C.  
 Middleton, John A.  
 Rodeschin, Beverly T.

Krueger, Richard H.  
 Peyron, Fredrik

#### NAYS 193

#### BELKNAP

Bartlett, Gordon E.  
 Holbrook, Robert G.  
 Rosen, Ralph J.

Campbell, Richard H., Jr.  
 Joscelyn, William W.  
 Vogler, Charles C.

Hawkins, Robert S.  
 Maviglio, Steven R.

#### CARROLL

Chandler, Gene G.  
 Jean, Robert R.

Daly, Robert J., Jr.

Dickinson, Howard C.



**CHESHIRE**

Burnham, Daniel M.  
 Doucette, Richard F.  
 Hogan, James B.  
 Lynch, Margaret A.  
 Perry, David M.  
 Sawyer, Alfred P.

Champagne, Richard L.  
 Foster, Katherine D.  
 Kingsbury, H. Thayer  
 Metzger, Katherine H.  
 Pratt, Irene A.  
 Young, David A.

Clark, Eugene W.  
 Grodin, Richard A.  
 LaMar, David M.  
 Pearson, Gertrude B.  
 Riley, William A.

**COOS**

Guay, Lawrence J.  
 Mayhew, Josephine  
 Theriault, Romeo J.

Hawkinson, Marie C.  
 Merrill, Gerald P.

Horton, Lynn C.  
 Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
 Brown, Channing T.  
 Christy, C. Dana  
 LaMott, Paul I.  
 Markley, J. Keith  
 Teschner, Douglass P.  
 White, Paul R.

Arnesen, Deborah L.  
 Brown, Patricia B.  
 Copenhaver, Marion L.  
 Larson, Nils H., Jr.  
 Nordgren, Sharon L.  
 Wadsworth, Karen O.

Bean, Pamela B.  
 Chambers, Mary P.  
 Guest, Robert H.  
 Lougee, Richard W.  
 Shackett, Ralph E.  
 Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Arnold, Barbara E.  
 Buckley, Raymond  
 Crotty, Edward J.  
 Desrochers, Gerard T.  
 Durham, Susan B.  
 Gage, Ruth E.  
 Goulet, Maurice E.  
 Haettenschwiller, Alphonse  
 Healy, Daniel J.  
 Jasper, Shawn N.  
 Jordan, Mary H.  
 Leclerc, Charles J.  
 Mason, Howard F.  
 O'Rourke, Joanne A.  
 Peters, Stanley W.  
 Searles, Stanley N., Sr.  
 Steiner, Lee Anne  
 Vanderlosk, Stanley R.

Ahrens, Frederick G.  
 Baker, George H., Sr.  
 Cote, David E.  
 Daigle, Robert A.  
 Desrosiers, William J.  
 Dyer, Merton S.  
 Gagnon, Eugene L.  
 Green, Scott E.  
 Hall, Betty B.  
 Healy, Walter F.  
 Jean, Romeo W.  
 Kelley, Robert N.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Packard, Bonnie B.  
 Record, Alice B.  
 Smith, Leonard A.  
 Tate, Joan C.  
 Wheeler, Robert L.

Amidon, Eleanor H.  
 Baldizar, Barbara J.  
 Cowenhoven, Garret P.  
 Daniels, Gary L.  
 Drabinowicz, A. Theresa  
 Ferguson, Charles  
 Gosselin, Gerald O.  
 Gureckis, Adam C., Sr.  
 Hanselman, Gregory L.  
 Hultgren, David D.  
 Johnson, Lionel W.  
 L'Heureux, Robert J.  
 Lozeau, Donnalee M.  
 Murphy, Robert E.  
 Pepino, Leo P.  
 Reidy, Frank J.  
 Soucy, Donna M.  
 Turgeon, Roland M.

**MERRIMACK**

Barberia, Richard A.  
 Carter, Susan D.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, Joyce M.  
 Lewis, Mary Ann

Boucher, Laurent J.  
 Chandler, John P.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Jacobson, Alf E.  
 Kidder, William F.  
 Lockwood, Robert A.

Braiterman, Thea  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Letourneau, George E.  
 Millard, Elizabeth S.

Smith, Gerald R.  
Trombly, Rick A.  
Yeaton, Charles B.

Stapleton, Henry F.  
Wallner, Mary Jane

Stio, Peter M.  
Weeks, John F., Jr.

### ROCKINGHAM

Bell, Juanita L.  
Caswell, Albert, Jr.  
DiPietro, Carmela M.  
Flanders, John W., Sr.  
Johnson, Robert A.  
Katsakiores, Phyllis  
MacDonald, Joseph A.  
Palazzo, Frank J.  
Syracusa, Anthony  
Vaughn, Charles L.

Benton, Richardson D.  
Clark, Martha Fuller  
Dowd, Sandra K.  
Griebsch, Linda  
Kane, Cecelia D.  
Klemarczyk, Thaddeus E.  
McGovern, Cynthia A.  
Roulston, Donald L.  
Terninko, Margaret B.  
Wells, Henry E.

Buco, Stephen W.  
Cote, Patricia L.  
Felch, Charles H., Sr.  
Hynes, Carolyn E.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
Packard, Sherman A.  
Seward, Russell G.  
Thayer, Leroy C.

### STRAFFORD

Bickford, Drucilla  
Flynn, Edward J.  
Knowles, William V.  
Merrill, Amanda A.  
Parks, Joe B.  
Torr, Ralph W.  
Wall, Janet G.

Brown, Julie M.  
Frechette, Roland A.  
Marston, Robert E.  
Messier, Donald R.  
Sullivan, Henry P.  
Tsiros, William  
Wheeler, Katherine W.

Douglass, Clyde J.  
Keans, Sandra B.  
Martling, W. Kent  
Nehring, William H.  
Torr, Ann M.  
Vincent, Francis C.  
Young, John B.

### SULLIVAN

Behrens, Thomas A.  
Schotanus, Merle W.  
and the motion lost.  
Amendment adopted.  
Report adopted.  
Ordered to third reading.

Burling, Peter Hoe

Flint, Gordon B.

**HB 1251**, relative to the observance of Memorial Day by school districts. OUGHT TO PASS.

Rep. Richard L. Champagne for Education: This bill will legally permit colleges, universities and school districts to observe either the federal Memorial Day or the state holiday on May 30. Vote 15-0.

Rep. Benton moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass, spoke to his motion and yielded to questions.

Reps. Champagne and Robinson spoke against and yielded to questions.

Rep. Nielsen spoke in favor.

Rep. Searles spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 76**

**NAYS 249**

### YEAS 76 BELKNAP

Accornero, Harry  
Holbrook, Robert G.  
Turner, Robert H.

Dewhurst, Glenn E.  
Johnson, Carl R.  
Zaharchuk, Peter J., Jr.

Golden, Paul A.  
Rosen, Ralph J.

**CARROLL**

Chandler, Gene G.                      Wiggins, Gordon E.

**CHESHIRE**

Feuer, Joseph N.                      Kennison, Wayne A.

**COOS**

Brungot, Catherine V.              Guay, Lawrence J.                      Merrill, Gerald P.  
Oliver, Terry D.

**GRAFTON**

Brown, Channing T.                  Christy, C. Dana                      Nielsen, Niels F., Jr.  
Teschner, Douglass P.              Trelfa, Richard T.

**HILLSBOROUGH**

Bourque, Ann J.                      Calawa, Leon, Jr.                      Carpenter, Karen A.  
Dodge, Emma M.                      Ferlan, Arthur P.                      Fields, Dennis H.  
Healy, Walter F.                      Kelley, Robert N.                      Lawrence, Eva M.  
Lawrence, Norman B.                  Leclerc, Charles J.                      McDowell, James E.  
McNerney, Daniel P.                  Murphy, Robert E.                      Ouellette, Robert O.  
Pepino, Leo P.                          Riley, Frances L.                      Sallada, Roland A.  
Smith, Leonard A.                      Wheeler, David K.

**MERRIMACK**

Apple, Lowell D.                      Barberia, Richard A.                      Chandler, Earle W.  
Daneault, Gabriel J.                  Millard, Elizabeth S.                      Stapleton, Henry F.  
Stio, Peter M.

**ROCKINGHAM**

Barnes, John S., Jr.                      Benton, Richardson D.                      Boucher, William P.  
DiPietro, Carmela M.                  Dube, LeRoy S.                      Felch, Charles H., Sr.  
Flanders, John W., Sr.                  Gage, Beverly A.                      Johnson, Robert A.  
Magoon, Harold F.                      Palazzo, Frank J.                      Raynowska, Bernard J.  
Roulston, Donald L.                      Schanda, Joseph, Sr.                      Seward, Russell G.  
Smith, Arthur W.                      Sytek, John J.                          Thayer, Leroy C.  
Tufts, Arthur                          Vaughn, Charles L.                      Warburton, Calvin  
Welch, David A.                      Weyler, Kenneth L.

**STRAFFORD**

Bickford, Drucilla                      Frechette, Roland A.                      Knowles, William V.  
Nehring, William H.                  Vincent, Francis C.

**SULLIVAN**

None

**NAYS 249****BELKNAP**

Bartlett, Gordon E.                      Cain, Thomas G.                      Campbell, Richard H., Jr.  
Hawkins, Robert S.                      Joscelyn, William W.                      Maviglio, Steven R.  
Rice, Thomas E. P., Jr.                  Shibley, Arnold P.                      Vogler, Charles C.  
Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.                      Beach, Mildred A.                      Dickinson, Howard C.  
Dodge, A. Gibb, Jr.                      Jean, Robert R.                      Saunders, Howard N.

**CHESHIRE**

Burnham, Daniel M.  
 Cole, Kenneth A.  
 Foster, Katherine D.  
 Hunt, John B.  
 Laurent, John J.  
 Mohr, Frederick C., Jr.  
 Pratt, Irene A.

Champagne, Richard L.  
 Crutchley, Donald O.  
 Grodin, Richard A.  
 Kingsbury, H. Thayer  
 Lynch, Margaret A.  
 Pearson, Gertrude B.  
 Riley, William A.

Clark, Eugene W.  
 Doucette, Richard F.  
 Hogan, James B.  
 LaMar, David M.  
 Metzger, Katherine H.  
 Perry, David M.  
 Young, David A.

**COOS**

Coulombe, Henry W.  
 Marsh, Beaton  
 Pratt, Leighton C.

Hawkinson, Marie C.  
 Mayhew, Josephine  
 Theriault, Romeo J.

Horton, Lynn C.  
 Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
 Chambers, Mary P.  
 Driscoll, William J.  
 LaMott, Paul I.  
 Markley, J. Keith  
 Shackett, Ralph E.  
 White, Paul R.

Bean, Pamela B.  
 Copenhaver, Marion L.  
 Guest, Robert H.  
 Larson, Nils H., Jr.  
 McIlwaine, Deborah P.  
 Wadsworth, Karen O.

Brown, Patricia B.  
 Dow, David  
 Hill, Richard L.  
 Lougee, Richard W.  
 Nordgren, Sharon L.  
 Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Amidon, Eleanor H.  
 Baldizar, Barbara J.  
 Chasse, Richard D.  
 Cowenhoven, Garret P.  
 Desrochers, Gerard T.  
 Donovan, Francis X.  
 Durham, Susan B.  
 Ford, Nancy M.  
 Gosselin, Gerald O.  
 Gureckis, Adam C., Sr.  
 Hanselman, Gregory L.  
 Hultgren, David D.  
 Jean, Romeo W.  
 King, Frank P.  
 Lachut, Ervin R.  
 Lozeau, Donnalee M.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 Packard, Bonnie B.  
 Record, Alice B.  
 Rodgers, G. Philip  
 Soucy, Donna M.  
 Tarpley-Bamberger, Nancy L.  
 Upton, Barbara A.  
 White, John M.

Ahrens, Frederick G.  
 Andrews, Frederick B.  
 Bowers, Dorothy C.  
 Clemons, Jane A.  
 Crotty, Edward J.  
 Desrosiers, William J.  
 Drabinowicz, A. Theresa  
 Dyer, Merton S.  
 Gage, Ruth E.  
 Goulet, Maurice E.  
 Haettenschwiller, Alphonse  
 Healy, Daniel J.  
 Janas, Gregory  
 Johnson, Lionel W.  
 Kurk, Neal M.  
 Larochelle, Roger B.  
 Martin, Mary Ellen  
 McRae, Karen K.  
 Nardi, Theodora P.  
 Paquette, Rodolphe G.  
 Reidy, Frank J.  
 Rothhaus, Finlay C.  
 Steiner, Lee Anne  
 Tate, Joan C.  
 Vanderlosk, Stanley R.  
 Wright, George W.

Alukonis, David J.  
 Arnold, Barbara E.  
 Buckley, Raymond  
 Cote, David E.  
 Daniels, Gary L.  
 Domaingue, Jacquelyn M.  
 Drolet, Paul L.  
 Ferguson, Charles  
 Gagnon, Eugene L.  
 Green, Scott E.  
 Hall, Betty B.  
 Holden, Carol H.  
 Jasper, Shawn N.  
 Jordan, Mary H.  
 L'Heureux, Robert J.  
 Laughlin, J. Francis  
 Mason, Howard F.  
 Mercer, Robert S.  
 O'Rourke, Joanne A.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Searles, Stanley N., Sr.  
 Stiles, Walter A.  
 Turgeon, Roland M.  
 Wheeler, Robert L.



**MERRIMACK**

Boucher, Laurent J.  
 Chandler, John P.  
 Fair, Patricia A.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Jacobson, Alf E.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Wallner, Mary Jane  
 Yeaton, Charles B.

Braiterman, Thea  
 Christie, Thomas J.  
 Feuerstein, Martin  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Letourneau, George E.  
 Molner, Mary E.  
 Teague, Bert  
 Weeks, John F., Jr.

Carter, Susan D.  
 Dunn, Miriam D.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, Joyce M.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Trombly, Rick A.  
 Whittemore, James A.

**ROCKINGHAM**

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Connell, David R.  
 Cote, Patricia L.  
 Flanagan, Natalie S.  
 Greene, Elizabeth A.  
 Hoar, John, Jr.  
 Hynes, Carolyn E.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Rosencrantz, James R.  
 Sytek, Donna P.

Buco, Stephen W.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Flanders, Harry E.  
 Griebisch, Linda  
 Hoelzel, Kathleen M.  
 Kane, Cecelia D.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McCain, William F.  
 McKinney, Betsy  
 Skinner, Patricia M.  
 Terninko, Margaret B.

Campbell, Marilyn R.  
 Clark, Martha Fuller  
 Cooke, Annette M.  
 Dowling, Patricia A.  
 Ford, Bert H.  
 Haynes, Richard  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 MacKinnon, Nancy W.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Syracuse, Anthony  
 Wells, Henry E.

**STRAFFORD**

Brown, Julie M.  
 Foss, Patricia H.  
 Keans, Sandra B.  
 McCann, William H., Jr.  
 O'Brien, John  
 Pelley, Janet R.  
 Torr, Ralph W.  
 Wheeler, Katherine W.

Douglass, Clyde J.  
 Gilmore, Gary R.  
 Marston, Robert E.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Sullivan, Henry P.  
 Tsiros, William  
 Young, John B.

Flynn, Edward J.  
 Jankowski, Peter M.  
 Martling, W. Kent  
 Messier, Donald R.  
 Parks, Joe B.  
 Torr, Ann M.  
 Wall, Janet G.

**SULLIVAN**

Allison, David C.  
 Domini, Irene C.  
 Lindblade, Eric N.  
 Porter, Robert H.

Behrens, Thomas A.  
 Flint, Gordon B.  
 Middleton, John A.  
 Rodeschin, Beverly T.

Burling, Peter Hoe  
 Krueger, Richard H.  
 Peyron, Fredrik  
 Schotanus, Merle W.

and the motion failed.

Rep. Rubin notified the Clerk that he wished to be recorded in favor of the substitute motion.

Reps. Lown and Elizabeth Moore notified the Clerk that they wished to be recorded in opposition to the substitute motion.

Report adopted.

Ordered to third reading.

**HB 1448**, relative to the loyalty oath for teachers. OUGHT TO PASS.

Rep. Charles B. Yeaton for Education: This bill is a housekeeping measure that transfers the responsibility for maintaining records of loyalty oaths from the State Department of Education to the local school district superintendent's office. Vote 13-2.

Adopted.

Ordered to third reading.

**HB 1108**, authorizing valid living wills executed in other states to be recognized in New Hampshire. OUGHT TO PASS

Rep. Peter Hoe Burling for Judiciary: This bill authorizes the recognition of living wills executed in other states. It is an important additional step towards implementing an effective living will policy. Vote 12-2.

Rep. Martling spoke in favor.

Adopted.

Ordered to third reading.

Rep. Daniel Healy notified the Clerk that he wished to be recorded in opposition to the bill.

**HB 1209**, establishing a committee to study the board of tax and land appeals hearing process. OUGHT TO PASS WITH AMENDMENT

Rep. Fredrik Peyron for Municipal and County Government: Real estate valuation is a problem that has been with us for years. It has been one of the main factors in our recent economic problems, and the study committee this bill establishes is sorely needed. Vote 12-0.

5060L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a committee to study the real estate  
valuation and revaluation process.

Amend the bill by replacing sections 1 and 2 with the following:

1 Committee Established; Purpose. A committee is hereby established to do an in-depth study and review of the real estate assessment and revaluation process. This study shall include, but not be limited to the role and performance of private assessing firms, the department of revenue administration's position as an assessing agency and as a supervisor of the valuation and revaluation process, the municipalities' roles in the performance of the valuation and revaluation process, the court's role in the real estate valuation and revaluation process, and the way in which the board of tax and land appeals interacts with these various entities.

2 Membership. The committee shall consist of the following:

I. Three members of the house, appointed by the speaker of the house.

II. Three members of the senate, appointed by the president of the senate.

III. One member appointed by the governor.

IV. One assessor from a town or a city, appointed by the New Hampshire Municipal Association.

V. One member of the public who is not an assessor or an appraiser, appointed by the governor.

## AMENDED ANALYSIS

This bill creates a committee to study the real estate assessment and revaluation process, and the role of private assessing firms, the department of revenue administration, municipalities, the court, and the board of tax and land appeals in that process. The committee must submit its report and findings no later than November 1, 1992.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1287-L, enabling certain municipalities to issue tax lien redemption notes. OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Municipal and County Government: Almost all of the municipalities in the state now hold their own tax liens. Although there is a potential to collect 18% interest on these liens, collection rates have been reduced in the current economy. This bill creates a new financial instrument, the tax lien note. This allows the municipal financial officer to seek long term (up to 3 year) borrowing based on moneys owed in tax liens. All testimony was favorable. The amendment eliminates some minor ambiguities in the original draft. Vote 13-0.

5095L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

enabling certain municipalities to issue tax lien redemption  
notes and relative to the transfer of tax liens.

Amend RSA 33:7-d, I and II as inserted by section 1 of the bill by replacing them with the following:

I. Any city or town in which the provisions of RSA 80:58-86 are in effect may incur debt in anticipation of redemption of real estate tax liens held by the city or town, in order to pay current maintenance and operation expenses or to fund cash deficits, and may issue notes therefor that are secured and made payable in accordance with this section, notwithstanding the provisions of RSA 33:7.

II. Notes issued under this section shall be general obligations but may also be secured, pursuant to a vote or a resolution of the local legislative body of the city or town, by a pledge of all or a portion of the proceeds of payments in redemption made under RSA 80:69 and RSA 80:71. Any such proceeds so pledged shall be deposited upon receipt in a segregated account to be held by the treasurer, or a corporate trustee designated by the treasurer, shall be applied without appropriation to the payment of such notes, and shall not be used for any other purpose until the notes and the interest on such notes are paid in full; provided that any earnings derived from investment of moneys in the account shall be credited to the general fund of the city or town and shall be available for appropriation for any lawful purpose. Any resolution adopted under this section may contain such covenants or restrictions with respect to maintenance, investment and disposition of the account, and any other provisions for protecting and enforcing the rights, security and remedies of the noteholders as may be, in the discretion of the city council or board of selectmen, reasonable and proper and not in violation of law. Any pledge made under this section shall be valid and binding and deemed continuously perfected from the time the pledge is made; and any proceeds so pledged and then held or thereafter acquired shall immediately be subject to the lien of that pledge. The resolution authorizing or creating the pledge need

not be recorded other than in the records of the city or town clerk and no filing of the resolution need be made under RSA 382-A.

Amend the bill by replacing section 2 with the following:

2 Transfer of Tax Liens; Auction or Sale of Liens. Amend RSA 80:63 to read as follows:

80:63 Right to Tax Lien. **Except under the provisions of RSA 80:80, II-a**, only a municipality or county where the property is located or the state may acquire a tax lien against land and buildings for unpaid taxes.

3 Transfer of Tax Liens. Amend RSA 80:80, I to read as follows:

I. No transfer of any tax lien upon real estate acquired by a town or city as a result of the execution of the real estate tax lien by the tax collector for nonpayment of taxes thereon shall be made to any person by the municipality during the 2-year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of redemption be conveyed to any person, unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the selectmen or the mayor to transfer such lien or to convey such property by deed.

4 New Paragraph; Authority of Selectmen or Mayor to Transfer Tax Liens by Public Auction or Sale. Amend RSA 80:80 by inserting after paragraph II the following new paragraph:

II-a. If the selectmen or mayor are authorized to transfer such liens during the 2-year redemption period, either a public auction shall be held, or the liens may be sold by advertised sealed bids. The selectmen or mayor may establish minimum bids, and may set the terms and conditions of the sale. Such liens may be sold singly or in combination, but no fractional interest in any lien shall be sold. Such transfer shall not affect the right of the owner or others with a legal interest in the land to redeem the tax lien pursuant to RSA 80:69, or make partial payments in redemption pursuant to RSA 80:71, but the transferee shall become the lienholder for purposes of RSA 80:72 and 80:76.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows cities and towns operating under the real estate tax lien procedure to issue tax lien redemption notes. The notes would mature within 3 years from the date of issuance and would be secured by tax lien receivables.

The bill also specifies that if the selectmen or mayor are authorized to transfer tax liens, the transfer must be by means of a public auction or sale, and details how the auction or sale is to be held.

Adopted.

Rep. Chambers offered a floor amendment.

5196L

#### Floor Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

enabling certain municipalities to issue tax lien redemption notes, relative to the transfer of tax liens and temporarily extending the time period allowed for redemption before a municipality may sell a property for nonpayment of property taxes.



Amend the bill by replacing all after section 4 with the following:

5 Time for Redemption Extended. Amend RSA 80:38, I to read as follows:

I. The collector, after [2] 3 years from the sale, shall execute to the purchaser, his heirs or assigns, a deed of the land so sold and not redeemed. The deed shall be substantially as follows:

Know all men by these presents, That I, ....., collector of taxes for the Town of ....., in the County of ....., and State of New Hampshire, for the year 19 ....., by the authority in me vested by the laws of the state, and in consideration of ..... to me paid by ....., do hereby sell and convey to him the said ....., his heirs and assigns (here describe the land sold), to have and to hold the said premises with appurtenances to him, ....., his heirs and assigns forever. And I do hereby covenant with said ....., that, in making this conveyance I have in all things complied with the law, and that I have a good right, so far as the right may depend upon the regularity of my own proceedings, to sell and convey the same in manner aforesaid. In witness whereof I have hereunto set my hand and seal the ..... day of ....., Signed, sealed and delivered in the presence of .....

6 Time for Redemption Extended. Amend RSA 80:42, I to read as follows:

I. No transfer of any tax lien upon real estate acquired by a town or city at a tax collector's sale for nonpayment of taxes thereon shall be made to any person by the municipality during the [2-year] 3-year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of redemption from a tax sale be conveyed to any person unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the selectmen or the mayor to transfer such lien or to convey such property by deed.

7 Time for Redemption Extended. Amend RSA 80:76, I to read as follows:

I. The collector, after [2] 3 years from the execution of the real estate tax lien, shall execute to the lienholder a deed of the land subject to the real estate tax lien and not redeemed. The deed shall be substantially as follows:

Know all men by these presents, That I, ....., collector of taxes for the Town of ....., in the County of ..... and State of New Hampshire, for the year 19 ....., by the authority in me vested by the laws of the state, and in consideration of ..... to me paid by ....., do hereby sell and convey to ....., the said ....., (here describe the land sold), to have and to hold the said premises with the appurtenances to ....., forever. And I do hereby covenant with said ....., that in making this conveyance I have in all things complied with the law, and that I have a good right, so far as the right may depend upon the regularity of my own proceedings, to sell and convey the same in manner aforesaid. In witness whereof I have hereunto set my hand and seal the ..... day of ....., Signed, sealed and delivered in the presence of .....

8 Time for Redemption Extended. Amend RSA 80:80, I to read as follows:

I. No transfer of any tax lien upon real estate acquired by a town or city as a result of the execution of the real estate tax lien by the tax collector for nonpayment of taxes thereon shall be made to any person by the municipality during the [2-year] 3-year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of

redemption be conveyed to any person, unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the selectmen or the mayor to transfer such lien or to convey such property by deed.

9 Time for Redemption Reduced. Amend RSA 80:38, I to read as follows:

I. The collector, after [3] 2 years from the sale, shall execute to the purchaser, his heirs or assigns, a deed of the land so sold and not redeemed. The deed shall be substantially as follows:

Know all men by these presents, That I, ....., collector of taxes for the Town of ....., in the County of ....., and State of New Hampshire, for the year 19 ....., by the authority in me vested by the laws of the state, and in consideration of ..... to me paid by ....., do hereby sell and convey to him the said ....., his heirs and assigns (here describe the land sold), to have and to hold the said premises with appurtenances to him, ....., his heirs and assigns forever. And I do hereby covenant with said ....., that, in making this conveyance I have in all things complied with the law, and that I have a good right, so far as the right may depend upon the regularity of my own proceedings, to sell and convey the same in manner aforesaid. In witness whereof I have hereunto set my hand and seal the ..... day of ....., Signed, sealed and delivered in the presence of .....

10 Time for Redemption Reduced. Amend RSA 80:42, I to read as follows:

I. No transfer of any tax lien upon real estate acquired by a town or city at a tax collector's sale for nonpayment of taxes thereon shall be made to any person by the municipality during the [3-year] 2-year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of redemption from a tax sale be conveyed to any person unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the selectmen or the mayor to transfer such lien or to convey such property by deed.

11 Time for Redemption Reduced. Amend RSA 80:76, I to read as follows:

I. The collector, after [3] 2 years from the execution of the real estate tax lien, shall execute to the lienholder a deed of the land subject to the real estate tax lien and not redeemed. The deed shall be substantially as follows:

Know all men by these presents, That I, ....., collector of taxes for the Town of ....., in the County of ..... and State of New Hampshire, for the year 19 ....., by the authority in me vested by the laws of the state, and in consideration of ..... to me paid by ....., do hereby sell and convey to ....., the said ....., (here describe the land sold), to have and to hold the said premises with the appurtenances to ....., forever. And I do hereby covenant with said ....., that in making this conveyance I have in all things complied with the law, and that I have a good right, so far as the right may depend upon the regularity of my own proceedings, to sell and convey the same in manner aforesaid. In witness whereof I have hereunto set my hand and seal the ..... day of ....., Signed, sealed and delivered in the presence of .....

12 Time for Redemption Reduced. Amend RSA 80:80, I to read as follows:

I. No transfer of any tax lien upon real estate acquired by a town or city as a result of the execution of the real estate tax lien by the tax collector for nonpayment of taxes thereon

shall be made to any person by the municipality during the [3-year] 2-year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of redemption be conveyed to any person, unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the selectmen or the mayor to transfer such lien or to convey such property by deed.

13 Application. Sections 5 - 8 of this act shall apply to tax sales or tax liens executed on or after January 1, 1993, and on or before December 31, 1995. Sections 9 - 12 of this act shall apply to tax sales and tax liens executed on or after January 1, 1996.

14 Effective Date. This act shall take effect January 1, 1993.

I. Sections 5 - 8 and 13 of this act shall take effect January 1, 1993.

II. Sections 9 - 12 of this act shall take effect January 1, 1996.

III. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows cities and towns operating under the real estate tax lien procedure to issue tax lien redemption notes. The notes would mature within 3 years from the date of issuance and would be secured by tax lien receivables.

The bill specifies that if the selectmen or mayor are authorized to transfer tax liens, the transfer must be by means of a public auction or sale, and details how the auction or sale is to be held.

This bill also extends from 2 to 3 years the time period allowed for redemption before a municipality may sell a property for nonpayment of property taxes for a temporary 3-year period.

Rep. Chambers spoke in favor and yielded to questions.

Rep. Weyler spoke against.

Rep. Grodin spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

#### YEAS 90

#### NAYS 240

#### YEAS 90 BELKNAP

Joscelyn, William W.

Maviglio, Steven R.

#### CARROLL

None

#### CHESHIRE

Burnham, Daniel M.

Champagne, Richard L.

Cole, Kenneth A.

Doucette, Richard F.

Foster, Katherine D.

Kingsbury, H. Thayer

LaMar, David M.

Lynch, Margaret A.

Riley, William A.

#### COOS

Coulombe, Henry W.

Hawkinson, Marie C.

Mayhew, Josephine

#### GRAFTON

Chambers, Mary P.

Copenhaver, Marion L.

Dow, David

Guest, Robert H.

McIlwaine, Deborah P.

Nordgren, Sharon L.

#### HILLSBOROUGH

Ackerman, Philip M.

Baldizar, Barbara J.

Buckley, Raymond

Chasse, Richard D.

Clemons, Jane A.

Cote, David E.

Crotty, Edward J.

Donovan, Francis X.

Drabinowicz, A. Theresa

Gosselin, Gerald O.

Green, Scott E.

Gureckis, Adam C., Sr.

Hall, Betty B.  
Johnson, Lionel W.  
Lachut, Ervin R.  
Leclerc, Charles J.  
McDowell, James E.  
Ouellette, Robert O.  
Reidy, Frank J.

Healy, Walter F.  
Jordan, Mary H.  
Laroche, Roger B.  
Lozeau, Donnalee M.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Soucy, Donna M.

Janas, Gregory  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Martin, Mary Ellen  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Turgeon, Roland M.

#### **MERRIMACK**

Braiterman, Thea  
Letourneau, George E.  
Trombly, Rick A.

Dunn, Miriam D.  
Millard, Elizabeth S.  
Wallner, Mary Jane

Johnson, Joyce M.  
Molner, Mary E.  
Yeaton, Charles B.

#### **ROCKINGHAM**

Bell, Juanita L.  
Gage, Beverly A.  
Kane, Cecelia D.  
McGovern, Cynthia A.  
Vaughn, Charles L.

Caswell, Albert, Jr.  
Gribsch, Linda  
Katsakiores, George N.  
Rubin, George R.  
Warburton, Calvin

DiPietro, Carmela M.  
Hynes, Carolyn E.  
MacDonald, Joseph A.  
Seward, Russell G.

#### **STRAFFORD**

Flynn, Edward J.  
Knowles, William V.  
Messier, Donald R.  
Wall, Janet G.

Frechette, Roland A.  
McCann, William H., Jr.  
O'Brien, John  
Wheeler, Katherine W.

Gilmore, Gary R.  
Merrill, Amanda A.  
Vincent, Francis C.

#### **SULLIVAN**

Allison, David C.

Burling, Peter Hoe

Flint, Gordon B.

#### **NAYS 240**

#### **BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Turner, Robert H.  
Ziegra, Alice S.

Cain, Thomas G.  
Golden, Paul A.  
Johnson, Carl R.  
Salatiello, Thomas B.  
Vogler, Charles C.

#### **CARROLL**

Allard, Nanci A.  
Dickinson, Howard C.  
Saunders, Howard N.

Beach, Mildred A.  
Dodge, A. Gibb, Jr.  
Wiggin, Gordon E.

Chandler, Gene G.  
Jean, Robert R.

#### **CHESHIRE**

Clark, Eugene W.  
Grodin, Richard A.  
Kennison, Wayne A.  
Mohr, Frederick C., Jr.  
Pratt, Irene A.

Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Pearson, Gertrude B.  
Young, David A.

Feuer, Joseph N.  
Hunt, John B.  
Metzger, Katherine H.  
Perry, David M.

#### **COOS**

Brungot, Catherine V.  
Marsh, Beaton  
Oliver, Terry D.

Guay, Lawrence J.  
Merrill, Gerald P.  
Pratt, Leighton C.

Horton, Lynn C.  
Nelson, Harold D.  
Theriault, Romeo J.



**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Driscoll, William J.  
Lougee, Richard W.  
Shackett, Ralph E.  
Wadsworth, Karen O.

Arnesen, Deborah L.  
Brown, Patricia B.  
Hill, Richard L.  
Markley, J. Keith  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Christy, C. Dana  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Drolet, Paul L.  
Elliott, Larry G.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Hanselman, Gregory L.  
Hultgren, David D.  
Kelley, Robert N.  
Lawrence, Eva M.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Steiner, Lee Anne  
Tate, Joan C.  
Wheeler, David K.  
Wright, George W.

Alukonis, David J.  
Arnold, Barbara E.  
Calawa, Leon, Jr.  
Daniels, Gary L.  
Dodge, Emma M.  
Durham, Susan B.  
Ferguson, Charles  
Ford, Nancy M.  
Goulet, Maurice E.  
Healy, Daniel J.  
Jasper, Shawn N.  
King, Frank P.  
Lawrence, Norman B.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Murphy, Robert E.  
Record, Alice B.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Upton, Barbara A.  
Wheeler, Robert L.

Amidon, Eleanor H.  
Bourque, Ann J.  
Carpenter, Karen A.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Holden, Carol H.  
Jean, Romeo W.  
Kirk, Neal M.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Messier, Irene M.  
Packard, Bonnie B.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.  
White, John M.

**MERRIMACK**

Apple, Lowell D.  
Carter, Susan D.  
Christie, Thomas J.  
Feuerstein, Martin  
Gross, Caroline L.  
Hayes, Robert C.  
Jacobson, Alf E.  
Lewis, Mary Ann  
Smith, Gerald R.  
Teague, Bert

Barberia, Richard A.  
Chandler, Earle W.  
Daneault, Gabriel J.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, C. William  
Lockwood, Robert A.  
Stapleton, Henry F.  
Weeks, John F., Jr.

Boucher, Laurent J.  
Chandler, John P.  
Fair, Patricia A.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Kidder, William F.  
Nichols, Avis B.  
Stio, Peter M.  
Whittemore, James A.

**ROCKINGHAM**

Barnes, John S., Jr.  
Bucio, Stephen W.  
Clark, Martha Fuller  
Cooke, Annette M.  
Dowling, Patricia A.

Benton, Richardson D.  
Campbell, Marilyn R.  
Connell, David R.  
Cote, Patricia L.  
Dubé, LeRoy S.

Boucher, William P.  
Christie, Andrew, Jr.  
Conroy, Janet M.  
Dowd, Sandra K.  
Felch, Charles H., Sr.

Flanagan, Natalie S.  
 Ford, Bert H.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Palazzo, Frank J.  
 Roulston, Donald L.  
 Smith, Arthur W.  
 Sytek, John J.  
 Tufts, Arthur  
 Weyler, Kenneth L.

Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Welch, David A.

Flanders, John W., Sr.  
 Haynes, Richard  
 Hurst, Sharleene P.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McCain, William F.  
 Packard, Sherman A.  
 Rosencrantz, James R.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Thayer, Leroy C.  
 Wells, Henry E.

### STRAFFORD

Bickford, Drucilla  
 Foss, Patricia H.  
 Marston, Robert E.  
 Pageotte, Donald P.  
 Sullivan, Henry P.  
 Tsiros, William

Brown, Julie M.  
 Jankowski, Peter M.  
 Martling, W. Kent  
 Parks, Joe B.  
 Torr, Ann M.  
 Young, John B.

Douglass, Clyde J.  
 Keans, Sandra B.  
 Nehring, William H.  
 Pelley, Janet R.  
 Torr, Ralph W.

### SULLIVAN

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.

Domini, Irene C.  
 Middleton, John A.  
 Schotanus, Merle W.

Krueger, Richard H.  
 Porter, Robert H.

and the floor amendment failed.

Report adopted.

Ordered to third reading.

### ENROLLED BILLS REPORT

**SB 372**, authorizing industrial development financing for the Manchester Airport.  
 Rep. Marsh, for the Committee

### REGULAR CALENDAR (continued)

**HB 1331**, authorizing the establishment of municipal trails. **INEXPEDIENT TO LEGISLATE.**

Rep. A. Gibb Dodge, Jr. for Public Works: The majority believes that there is currently no demonstrated need for this legislation because municipalities do now establish trails through favorable vote of their governing body. Vote 12-3.

Adopted.

**HB 1296**, permitting on-sale licensees to allow cribbage card games on their premises. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsy McKinney for Regulated Revenues: This bill, as amended, will remove the prohibition against card games for on-sale licensees' premises and allow cribbage or bridge tournaments, providing there is no gambling. This is current law for Social Clubs. The Committee feels that this would correct what is currently a double standard. The second part of the bill allows a "commercial motor vehicle racetrack with at least a quarter mile of paved track" to sell beer or wine coolers to their patrons. Vote 12-0.

5077L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

removing a prohibition on certain card games and permitting commercial motor vehicle racetrack facilities to make certain beverage sales.

Amend the bill by replacing all after the enacting clause with the following:

1 Gambling or Wagering Prohibited. Amend RSA 179:19, VII to read as follows:

VII. On-sale licensees shall not allow [card games] **gambling or wagering** on their premises[, except that golf clubs, veterans' clubs, social clubs, and military clubs may allow card games, provided that no gambling or wagering shall be allowed].

2 Race Tracks; Cocktail Lounge Exception. Amend RSA 178:20, V(n) to read as follows:

(n) Race Tracks.

(1) The commission may issue to any operator of a race track or his designee a cocktail lounge license which shall allow the licensee to serve liquor and beverages to patrons in such rooms or areas as are located within the confines of the track and are approved by the commission and only during the hours set by the commission. Such race track shall be licensed by the state pari-mutuel commission for pari-mutuel betting purposes. Liquor and beverages sold by a licensee under this section need not be consumed with meals, provided that suitable food services, approved by the commission, are available for patrons. A licensee under this section may sell beverages and liquor on dates other than those on which pari-mutuel betting takes place.

(2) Notwithstanding the requirements of RSA 178:20, II and V, a commercial motor vehicle racetrack facility with a paved course of at least 1/4 mile may elect to have an exception to the cocktail lounge definition of RSA 175:1, XXIII and requirements under RSA 178:20, V(r) to sell beverage only, from commission-approved beverage service facilities located in areas approved by the commission within the commercial motor vehicle race track facility and allow patrons to carry beverage, not exceeding 2 containers at any time as approved by the commissioner, to approved grandstand seating, other seating accommodations or areas approved for alcoholic beverage consumption by the commission under such rules as the commission may adopt pursuant to RSA 541-A.

3 Contingency. If HB 1114 and HB 1116 of the 1992 regular session become law, section 2 of this act shall take effect 60 days after its passage. If HB 1114 and HB 1116 of the 1992 regular session do not become law, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 2 of this act shall take effect as provided in section 3 of this act.

**AMENDED ANALYSIS**

This bill removes a prohibition on card games on the premises of on-sale licensees. It prohibits gambling or wagering on the premises of on-sale licenses.

This bill permits commercial motor vehicle racetrack facilities to elect to sell beverages to patrons who may carry the beverages to certain approved facility seating.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1354**, establishing a committee to study the establishment of utility rate regulation based on incentives rather than rate of return. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles C. Vogler for the Majority of Science, Technology and Energy: The Public Utilities Commission (PUC) is already using incentives in the regulation of some aspects of electric power generation. In addition, the PUC currently has a major docket with New England Telephone exploring a major shift to incentive regulation in telecommunications. Therefore, it was the opinion of the Majority of the Committee that a study effort on incentive regulation was unnecessary, redundant, and could possibly interfere with the pending docket at the PUC. Vote 8-6.

Rep. Arthur P. Ferlan for the Minority of Science, Technology and Energy: The bill sets up a task force to investigate management guidelines which would reduce electric utility rates for residents, industry, and business in lieu of the current guidelines that have existed for approximately 100 years. The alternate, called incentive regulation which is being used in the United States and foreign countries, would authorize the PUC to provide managers of utilities to maintain price caps to their benefit as well as those of New Hampshire consumers. Testimony to the Committee included utilities, consumer advocates and businesses.

Rep. Ferlan moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Vogler requested a quorum count.

The Speaker declared a quorum present.

Rep. Vogler spoke against and yielded to questions.

Roll call request sufficiently seconded.

Reps. Marilyn Campbell and Daigle declared that a conflict of interest existed and they did not participate.

The question being the adoption of the substitute motion.

#### **YEAS 136**

#### **NAYS 191**

#### **YEAS 136**

#### **BELKNAP**

Golden, Paul A.

Maviglio, Steven R.

Salatiello, Thomas B.

#### **CARROLL**

Wiggin, Gordon E.

#### **CHESHIRE**

Burnham, Daniel M.

Champagne, Richard L.

Cole, Kenneth A.

Doucette, Richard F.

Foster, Katherine D.

Hunt, John B.

LaMar, David M.

Lynch, Margaret A.

Metzger, Katherine H.

Pearson, Gertrude B.

Pratt, Irene A.

Riley, William A.

#### **COOS**

Coulombe, Henry W.

Mayhew, Josephine

Oliver, Terry D.

Therhault, Romeo J.

#### **GRAFTON**

Adams, Carl S.

Arnesen, Deborah L.

Chambers, Mary P.

Copenhaver, Marion L.

Guest, Robert H.

McIlwaine, Deborah P.

Nordgren, Sharon L.



**HILLSBOROUGH**

Andrews, Frederick B.	Baker, George H., Sr.	Baldizar, Barbara J.
Bourque, Ann J.	Bowers, Dorothy C.	Buckley, Raymond
Chasse, Richard D.	Clemons, Jane A.	Cote, David E.
Crotty, Edward J.	Daniels, Gary L.	Domaingue, Jacquelyn M.
Drabinowicz, A. Theresa	Durham, Susan B.	Elliott, Larry G.
Ferlan, Arthur P.	Ford, Nancy M.	Gage, Ruth E.
Gosselin, Gerald O.	Gureckis, Adam C., Sr.	Hall, Betty B.
Hanselman, Gregory L.	Janas, Gregory	Johnson, Lionel W.
Jordan, Mary H.	King, Frank P.	L'Heureux, Robert J.
Lachut, Ervin R.	Larochelle, Roger B.	Leclerc, Charles J.
Lozeau, Donnalee M.	Martin, Mary Ellen	McDowell, James E.
Murphy, Robert E.	Nardi, Theodora P.	O'Rourke, Joanne A.
Paquette, Rodolphe G.	Pepino, Leo P.	Reidy, Frank J.
Smith, Leonard A.	Soucy, Donna M.	Steiner, Lee Anne
Tate, Joan C.	Turgeon, Roland M.	Upton, Barbara A.
Vanderlosk, Stanley R.	Wheeler, Robert L.	

**MERRIMACK**

Braiterman, Thea	Christie, Thomas J.	Daneault, Gabriel J.
Dunn, Miriam D.	Feuerstein, Martin	Hall, Douglas E.
Jacobson, Alf E.	Johnson, C. William	Johnson, Joyce M.
Letourneau, George E.	Molner, Mary E.	Nichols, Avis B.
Stio, Peter M.	Trombly, Rick A.	Wallner, Mary Jane
Yeaton, Charles B.		

**ROCKINGHAM**

Bell, Juanita L.	Buco, Stephen W.	Caswell, Albert, Jr.
Clark, Martha Fuller	Dowling, Patricia A.	Ford, Bert H.
Griebisch, Linda	Hoar, John, Jr.	Hurst, Sharleene P.
Hynes, Carolyn E.	Kane, Cecelia D.	MacKinnon, Nancy W.
McGovern, Cynthia A.	McKinney, Betsy	Palazzo, Frank J.
Rosencrantz, James R.	Rubin, George R.	Schanda, Joseph, Sr.
Seward, Russell G.	Smith, Arthur W.	Terninko, Margaret B.
Thayer, Leroy C.	Welch, David A.	Wells, Henry E.
Weyler, Kenneth L.		

**STRAFFORD**

Flynn, Edward J.	Gilmore, Gary R.	Jankowski, Peter M.
Keans, Sandra B.	Knowles, William V.	McCann, William H., Jr.
Merrill, Amanda A.	Messier, Donald R.	Nehring, William H.
O'Brien, John	Pageotte, Donald P.	Pelley, Janet R.
Torr, Ralph W.	Tsiros, William	Vincent, Francis C.
Wall, Janet G.	Wheeler, Katherine W.	Young, John B.

**SULLIVAN**

Allison, David C.	Burling, Peter Hoe	Flint, Gordon B.
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### NAYS 191 BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.  
Ziegra, Alice S.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Rosen, Ralph J.  
Vogler, Charles C.

Cain, Thomas G.  
Hawkins, Robert S.  
Joscelyn, William W.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

### CARROLL

Allard, Nanci A.  
Dickinson, Howard C.  
Saunders, Howard N.

Beach, Mildred A.  
Dodge, A. Gibb, Jr.

Chandler, Gene G.  
Jean, Robert R.

### CHESHIRE

Clark, Eugene W.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Perry, David M.

Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Sawyer, Alfred P.

Feuer, Joseph N.  
Kennison, Wayne A.  
Mohr, Frederick C., Jr.  
Young, David A.

### COOS

Brungot, Catherine V.  
Horton, Lynn C.  
Pratt, Leighton C.

Guay, Lawrence J.  
Marsh, Beaton

Hawkinson, Marie C.  
Nelson, Harold D.

### GRAFTON

Bean, Pamela B.  
Christy, C. Dana  
Hill, Richard L.  
Markley, J. Keith  
Trelfa, Richard T.  
White, Paul R.

Brown, Channing T.  
Dow, David  
Larson, Nils H., Jr.  
Shackett, Ralph E.  
Wadsworth, Karen O.

Brown, Patricia B.  
Driscoll, William J.  
Lougee, Richard W.  
Teschner, Douglass P.  
Ward, Kathleen W.

### HILLSBOROUGH

Ackerman, Philip M.  
Amidon, Eleanor H.  
Carpenter, Karen A.  
Desrosiers, William J.  
Drolet, Paul L.  
Fields, Dennis H.  
Green, Scott E.  
Holden, Carol H.  
Jean, Romeo W.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Messier, Irene M.  
Packard, Bonnie B.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Stiles, Walter A.  
White, John M.

Ahrens, Frederick G.  
Arnold, Barbara E.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Dyer, Merton S.  
Gagnon, Eugene L.  
Haettenschwiller, Alphonse  
Hultgren, David D.  
Kelley, Robert N.  
Lawrence, Eva M.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Tarpley-Bamberger, Nancy L.  
Wright, George W.

Alukonis, David J.  
Calawa, Leon, Jr.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Ferguson, Charles  
Goulet, Maurice E.  
Healy, Daniel J.  
Jasper, Shawn N.  
Kurk, Neal M.  
Lawrence, Norman B.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Ouellette, Robert O.  
Record, Alice B.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Wheeler, David K.

**MERRIMACK**

Apple, Lowell D.  
 Boucher, Laurent J.  
 Chandler, John P.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Lewis, Mary Ann  
 Smith, Gerald R.  
 Whittemore, James A.

Asplund, Bronwyn L.  
 Carter, Susan D.  
 Fair, Patricia A.  
 Hager, Elizabeth S.  
 Holmes, Mary C.  
 Lockwood, Robert A.  
 Stapleton, Henry F.

Barberia, Richard A.  
 Chandler, Earle W.  
 Fillion, Paul R.  
 Hayes, Robert C.  
 Kidder, William F.  
 Millard, Elizabeth S.  
 Weeks, John F., Jr.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Christie, Andrew, Jr.  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Roulston, Donald L.  
 Sytek, John J.  
 Warburton, Calvin

Benton, Richardson D.  
 Connell, David R.  
 Cote, Patricia L.  
 Dube, LeRoy S.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hutchinson, Karen K.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 Packard, Sherman A.  
 Skinner, Patricia M.  
 Tufts, Arthur

Boucher, William P.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Haynes, Richard  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McCain, William F.  
 Raynowska, Bernard J.  
 Syracuse, Anthony  
 Vaughn, Charles L.

**STRAFFORD**

Bickford, Drucilla  
 Frechette, Roland A.  
 Parks, Joe B.

Brown, Julie M.  
 Marston, Robert E.  
 Sullivan, Henry P.

Foss, Patricia H.  
 Martling, W. Kent  
 Torr, Ann M.

**SULLIVAN**

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Porter, Robert H.  
 and the motion lost.  
 Report adopted.

Domini, Irene C.  
 Middleton, John A.  
 Rodeschin, Beverly T.

Krueger, Richard H.  
 Peyron, Fredrik  
 Schotanus, Merle W.

**HB 1421**, establishing a task force to develop incentives for energy efficient buildings.  
**REFER FOR INTERIM STUDY.**

Rep. Alan B. Greenglass for Science, Technology and Energy: Hearings disclosed that the Department of Energy and the Department of Housing and Urban Affairs are sponsoring a joint task force to examine this very issue. Therefore, the Committee would like to return this bill to Interim Study to follow the current federal efforts and determine what New Hampshire can do to further that effort. Vote 9-2.

Referred for Interim Study.

**HB 1435**, prohibiting refiners from requiring that retailers purchase motor fuel from certain distributors and imposing penalties for violations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stanley W. Peters for the Majority of Science, Technology and Energy: This bill is one more example of government interference in a competitive marketplace. Prohibiting

refiner participation in New Hampshire will eliminate substantial sums of money needed for growth, station renovation and environmental clean-ups. Of the six states who have tried divorcement, Florida has already removed it from the statutes and Virginia wound up with a much less restrictive bill than this one. This is an anti-consumer bill. Vote 8-6.

Reps. David Allison, Philip M. Ackerman, Jane A., Harland, Amanda A. Merrill, Arthur Ferlan and Gary R. Gilmore for the Minority of Science, Technology and Energy: House Bill 1435, as amended by the floor amendment, establishes a study committee to examine the health of the motor fuel service station industry in New Hampshire. Testimony in the Committee hearing indicates that gross inequities exist in the distribution of motor fuel, causing hardship to independent gasoline dealers. The Minority of the Committee firmly believes that the preservation of independent gasoline dealers is essential to assuring a competitive marketplace and that these issues demand further study.

Rep. Gilmore moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate.

Reps. Ackerman and Gilmore spoke in favor.

Rep. Peters spoke against and yielded to questions.

Rep. Rodeschin spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

#### YEAS 104

#### NAYS 220

#### YEAS 104 BELKNAP

Golden, Paul A.

Maviglio, Steven R.

Salatiello, Thomas B.

#### CARROLL

Allard, Nanci A.

#### CHESHIRE

Burnham, Daniel M.

Champagne, Richard L.

Cole, Kenneth A.

Foster, Katherine D.

Kingsbury, H. Thayer

LaMar, David M.

Lynch, Margaret A.

Pratt, Irene A.

Riley, William A.

#### COOS

Hawkinson, Marie C.

Mayhew, Josephine

#### GRAFTON

Arnesen, Deborah L.

Chambers, Mary P.

Copenhaver, Marion L.

Guest, Robert H.

Hill, Richard L.

McIlwaine, Deborah P.

Nordgren, Sharon L.

Teschner, Douglass P.

#### HILLSBOROUGH

Ackerman, Philip M.

Baker, George H., Sr.

Baldizar, Barbara J.

Bourque, Ann J.

Buckley, Raymond

Clemons, Jane A.

Cote, David E.

Daigle, Robert A.

Drabinowicz, A. Theresa

Ferlan, Arthur P.

Green, Scott E.

Gureckis, Adam C., Sr.

Haettenschwiller, Alphonse

Hall, Betty B.

Janas, Gregory

Jordan, Mary H.

Kelley, Robert N.

King, Frank P.

L'Heureux, Robert J.

Larochelle, Roger B.

Laughlin, J. Francis

Leclerc, Charles J.

Martin, Mary Ellen

McDowell, James E.

Murphy, Robert E.

Nardi, Theodora P.

O'Rourke, Joanne A.



Paquette, Rodolphe G.  
Soucy, Donna M.  
Vanderlosk, Stanley R.

Reidy, Frank J.  
Steiner, Lee Anne  
White, John M.

Smith, Leonard A.  
Tate, Joan C.

### MERRIMACK

Boucher, Laurent J.  
Jacobson, Alf E.  
Molner, Mary E.  
Yeaton, Charles B.

Braiterman, Thea  
Johnson, Joyce M.  
Trombly, Rick A.

Dunn, Miriam D.  
Letourneau, George E.  
Whittemore, James A.

### ROCKINGHAM

Bell, Juanita L.  
Christie, Andrew, Jr.  
Hoar, John, Jr.  
MacKinnon, Nancy W.  
Rubin, George R.  
Terninko, Margaret B.  
Warburton, Calvin

Buco, Stephen W.  
Clark, Martha Fuller  
Hurst, Sharleene P.  
McGovern, Cynthia A.  
Schanda, Joseph, Sr.  
Thayer, Leroy C.

Caswell, Albert, Jr.  
Gribsch, Linda  
Kane, Cecelia D.  
Palazzo, Frank J.  
Syracusa, Anthony  
Vaughn, Charles L.

### STRAFFORD

Flynn, Edward J.  
Keans, Sandra B.  
McCann, William H., Jr.  
O'Brien, John  
Wall, Janet G.

Gilmore, Gary R.  
Knowles, William V.  
Merrill, Amanda A.  
Pelley, Janet R.  
Wheeler, Katherine W.

Jankowski, Peter M.  
Marston, Robert E.  
Nehring, William H.  
Vincent, Francis C.

### SULLIVAN

Allison, David C.

Burling, Peter Hoe

Flint, Gordon B.

### NAYS 220

### BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.  
Ziegra, Alice S.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Rosen, Ralph J.  
Vogler, Charles C.

Cain, Thomas G.  
Hawkins, Robert S.  
Joscelyn, William W.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

### CARROLL

Beach, Mildred A.  
Dodge, A. Gibb, Jr.  
Wiggin, Gordon E.

Chandler, Gene G.  
Jean, Robert R.

Dickinson, Howard C.  
Saunders, Howard N.

### CHESHIRE

Clark, Eugene W.  
Feuer, Joseph N.  
Kennison, Wayne A.  
Pearson, Gertrude B.  
Young, David A.

Crutchley, Donald O.  
Grodin, Richard A.  
Laurent, John J.  
Perry, David M.

Doucette, Richard F.  
Hogan, James B.  
Mohr, Frederick C., Jr.  
Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Nelson, Harold D.  
Theriault, Romeo J.

Coulombe, Henry W.  
Marsh, Beaton  
Oliver, Terry D.

Guay, Lawrence J.  
Merrill, Gerald P.  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
LaMott, Paul I.  
Markley, J. Keith  
Wadsworth, Karen O.

Bean, Pamela B.  
Christy, C. Dana  
Larson, Nils H., Jr.  
Shackett, Ralph E.  
Ward, Kathleen W.

Brown, Channing T.  
Driscoll, William J.  
Lougee, Richard W.  
Trelfa, Richard T.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Hanselman, Gregory L.  
Holden, Carol H.  
Jean, Romeo W.  
Lawrence, Eva M.  
Lozeau, Donnalee M.  
McNerney, Daniel P.  
Messier, Irene M.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Tarpley-Bamberger, Nancy L.  
Wheeler, David K.

Alukonis, David J.  
Arnold, Barbara E.  
Carpenter, Karen A.  
Crotty, Edward J.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Ford, Nancy M.  
Gosselin, Gerald O.  
Healy, Daniel J.  
Hultgren, David D.  
Johnson, Lionel W.  
Lawrence, Norman B.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Record, Alice B.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Turgeon, Roland M.  
Wheeler, Robert L.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Daniels, Gary L.  
Dodge, Emma M.  
Drolet, Paul L.  
Ferguson, Charles  
Gage, Ruth E.  
Goulet, Maurice E.  
Healy, Walter F.  
Jasper, Shawn N.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Packard, Bonnie B.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Stiles, Walter A.  
Upton, Barbara A.  
Wright, George W.

**MERRIMACK**

Apple, Lowell D.  
Chandler, Earle W.  
Daneault, Gabriel J.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Kidder, William F.  
Millard, Elizabeth S.  
Stapleton, Henry F.

Barberia, Richard A.  
Chandler, John P.  
Fair, Patricia A.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.

Carter, Susan D.  
Christie, Thomas J.  
Feuerstein, Martin  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, C. William  
Lockwood, Robert A.  
Smith, Gerald R.  
Weeks, John F., Jr.

**ROCKINGHAM**

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Cooke, Annette M.  
Dowd, Sandra K.

Benton, Richardson D.  
Connell, David R.  
Cote, Patricia L.  
Dowling, Patricia A.

Boucher, William P.  
Conroy, Janet M.  
DiPietro, Carmela M.  
Dube, LeRoy S.

Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Hutchinson, Karen K.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Seward, Russell G.  
 Sytek, John J.  
 Wells, Henry E.

Flanagan, Natalie S.  
 Ford, Bert H.  
 Haynes, Richard  
 Hynes, Carolyn E.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Rosencrantz, James R.  
 Skinner, Patricia M.  
 Tufts, Arthur  
 Weyler, Kenneth L.

Flanders, Harry E.  
 Gage, Beverly A.  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McCain, William F.  
 Packard, Sherman A.  
 Roulston, Donald L.  
 Smith, Arthur W.  
 Welch, David A.

### STRAFFORD

Bickford, Drucilla  
 Frechette, Roland A.  
 Pageotte, Donald P.  
 Torr, Ann M.  
 Young, John B.

Brown, Julie M.  
 Martling, W. Kent  
 Parks, Joe B.  
 Torr, Ralph W.

Foss, Patricia H.  
 Messier, Donald R.  
 Sullivan, Henry P.  
 Tsiros, William

### SULLIVAN

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Porter, Robert H.  
     and the motion lost.  
     Report adopted.

Domini, Irene C.  
 Middleton, John A.  
 Rodeschin, Beverly T.

Krueger, Richard H.  
 Peyron, Fredrik  
 Schotanus, Merle W.

**HB 1388**, imposing a civil penalty in any proceeding in which a rule of a manufactured housing park owner is deemed unreasonable. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott E. Green for State Institutions and Housing: There are statutes on the books that already address this problem. Vote 9-4.

Rep. Lozeau moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate, and spoke in favor.

Rep. Scott Green spoke against and yielded to questions.

Roll call request sufficiently seconded.

Reps. Ann Torr and Ralph Torr declared that a conflict of interest existed and they did not participate.

The question being the adoption of the substitute motion.

### YEAS 212

### NAYS 110

### YEAS 212 BELKNAP

Accornero, Harry  
 Dewhirst, Glenn E.  
 Maviglio, Steven R.  
 Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
 Golden, Paul A.  
 Rosen, Ralph J.  
 Ziegra, Alice S.

Campbell, Richard H., Jr.  
 Joscelyn, William W.  
 Salatiello, Thomas B.

### CARROLL

Beach, Mildred A.  
 Jean, Robert R.

Dickinson, Howard C.

Dodge, A. Gibb, Jr.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
Feuer, Joseph N.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Champagne, Richard L.  
Crutchley, Donald O.  
Foster, Katherine D.  
LaMar, David M.  
Pratt, Irene A.

Clark, Eugene W.  
Doucette, Richard F.  
Hunt, John B.  
Lynch, Margaret A.  
Riley, William A.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Merrill, Gerald P.

Coulombe, Henry W.  
Marsh, Beaton  
Nelson, Harold D.

Guay, Lawrence J.  
Mayhew, Josephine  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Guest, Robert H.  
Nordgren, Sharon L.  
Trelfa, Richard T.  
White, Paul R.

Arnesen, Deborah L.  
Chambers, Mary P.  
Larson, Nils H., Jr.  
Shackett, Ralph E.  
Wadsworth, Karen O.

Bean, Pamela B.  
Copenhaver, Marion L.  
McIlwaine, Deborah P.  
Teschner, Douglass P.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
Andrews, Frederick B.  
Bourque, Ann J.  
Carpenter, Karen A.  
Cote, David E.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Droft, Paul L.  
Ferguson, Charles  
Goulet, Maurice E.  
Hall, Betty B.  
Janas, Gregory  
Johnson, Lionel W.  
Kurk, Neal M.  
Leclerc, Charles J.  
Martin, Mary Ellen  
Mercer, Robert S.  
Murphy, Robert E.  
Packard, Bonnie B.  
Peters, Stanley W.  
Smith, Leonard A.  
Tate, Joan C.  
White, John M.

Ahrens, Frederick G.  
Baker, George H., Sr.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Durham, Susan B.  
Ford, Nancy M.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Jordan, Mary H.  
L'Heureux, Robert J.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Messier, Irene M.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Soucy, Donna M.  
Turgeon, Roland M.

Alukonis, David J.  
Baldizar, Barbara J.  
Buckley, Raymond  
Clemons, Jane A.  
Daigle, Robert A.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Holden, Carol H.  
Jean, Romeo W.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lozeau, Donnalee M.  
McDowell, James E.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Robinson, Ellen-Ann  
Tarpley-Bamberger, Nancy L.  
Upton, Barbara A.

**MERRIMACK**

Apple, Lowell D.  
Carter, Susan D.  
Dunn, Miriam D.  
Hall, Douglas E.

Barberia, Richard A.  
Chandler, John P.  
Fair, Patricia A.  
Hill, Michael J.

Braiterman, Thea  
Daneault, Gabriel J.  
Fillion, Paul R.  
Holmes, Mary C.



Jacobson, Alf E.  
 Letourneau, George E.  
 Trombly, Rick A.  
 Yeaton, Charles B.

Johnson, C. William  
 Molner, Mary E.  
 Weeks, John F., Jr.

Johnson, Joyce M.  
 Stapleton, Henry F.  
 Whittemore, James A.

### ROCKINGHAM

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Connell, David R.  
 Cote, Patricia L.  
 Flanagan, Natalie S.  
 Hoar, John, Jr.  
 Hutchinson, Karen K.  
 Katsakiores, Phyllis  
 MacKinnon, Nancy W.  
 McGovern, Cynthia A.  
 Rosencrantz, James R.  
 Skinner, Patricia M.  
 Vaughn, Charles L.

Boucher, William P.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Hynes, Carolyn E.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McKinney, Betsy  
 Rubin, George R.  
 Syracuse, Anthony  
 Welch, David A.

Buco, Stephen W.  
 Clark, Martha Fuller  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Griebisch, Linda  
 Hurst, Sharleene P.  
 Kane, Cecelia D.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Palazzo, Frank J.  
 Schanda, Joseph, Sr.  
 Terninko, Margaret B.

### STRAFFORD

Brown, Julie M.  
 Jankowski, Peter M.  
 Marston, Robert E.  
 Merrill, Amanda A.  
 O'Brien, John  
 Pelley, Janet R.  
 Wheeler, Katherine W.

Frechette, Roland A.  
 Keans, Sandra B.  
 Martling, W. Kent  
 Messier, Donald R.  
 Pageotte, Donald P.  
 Tsiros, William  
 Young, John B.

Gilmore, Gary R.  
 Knowles, William V.  
 McCann, William H., Jr.  
 Nehring, William H.  
 Parks, Joe B.  
 Wall, Janet G.

### SULLIVAN

Allison, David C.  
 Domini, Irene C.  
 Peyron, Fredrik

Behrens, Thomas A.  
 Flint, Gordon B.  
 Porter, Robert H.

Burling, Peter Hoe  
 Lindblade, Eric N.  
 Schotanus, Merle W.

### NAYS 110

#### BELKNAP

Cain, Thomas G.  
 Johnson, Carl R.  
 Turner, Robert H.

Hawkins, Robert S.  
 Rice, Thomas E. P., Jr.  
 Vogler, Charles C.

Holbrook, Robert G.  
 Shibley, Arnold P.

### CARROLL

Chandler, Gene G.

Wiggin, Gordon E.

### CHESHIRE

Grodin, Richard A.  
 Laurent, John J.  
 Young, David A.

Hogan, James B.  
 Mohr, Frederick C., Jr.

Kennison, Wayne A.  
 Perry, David M.

### COOS

Horton, Lynn C.

Pratt, Leighton C.

Theriault, Romeo J.

**GRAFTON**

Brown, Channing T.  
 Driscoll, William J.  
 Lougee, Richard W.

Christy, C. Dana  
 Hill, Richard L.  
 Markley, J. Keith

Dow, David  
 LaMott, Paul I.

**HILLSBOROUGH**

Amidon, Eleanor H.  
 Cowenhoven, Garret P.  
 Fields, Dennis H.  
 Green, Scott E.  
 Hultgren, David D.  
 Laughlin, J. Francis  
 Mason, Howard F.  
 Ouellette, Robert O.  
 Rothhaus, Finlay C.  
 Steiner, Lee Anne  
 Wheeler, David K.

Arnold, Barbara E.  
 Desrosiers, William J.  
 Gagnon, Eugene L.  
 Healy, Daniel J.  
 King, Frank P.  
 Lawrence, Eva M.  
 McNeerney, Daniel P.  
 Record, Alice B.  
 Sallada, Roland A.  
 Stiles, Walter A.  
 Wheeler, Robert L.

Calawa, Leon, Jr.  
 Dyer, Merton S.  
 Gosselin, Gerald O.  
 Healy, Walter F.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 McRae, Karen K.  
 Rodgers, G. Philip  
 Searles, Stanley N., Sr.  
 Vanderlosk, Stanley R.  
 Wright, George W.

**MERRIMACK**

Boucher, Laurent J.  
 Feuerstein, Martin  
 Hayes, Robert C.  
 Lockwood, Robert A.  
 Smith, Gerald R.

Chandler, Earle W.  
 Gross, Caroline L.  
 Kidder, William F.  
 Millard, Elizabeth S.  
 Stio, Peter M.

Christie, Thomas J.  
 Hager, Elizabeth S.  
 Lewis, Mary Ann  
 Nichols, Avis B.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Dowling, Patricia A.  
 Flanders, Harry E.  
 Haynes, Richard  
 Klemm, Arthur P., Jr.  
 McCarthy, John J., Jr.  
 Roulston, Donald L.  
 Sytek, John J.  
 Warburton, Calvin

Benton, Richardson D.  
 Dube, LeRoy S.  
 Flanders, John W., Sr.  
 Johnson, Robert A.  
 MacDonald, Joseph A.  
 Packard, Sherman A.  
 Seward, Russell G.  
 Thayer, Leroy C.  
 Wells, Henry E.

Campbell, Marilyn R.  
 Felch, Charles H., Sr.  
 Ford, Bert H.  
 Katsakiores, George N.  
 Malcolm, Kenneth W.  
 Raynowska, Bernard J.  
 Smith, Arthur W.  
 Tufts, Arthur  
 Weyler, Kenneth L.

**STRAFFORD**

Bickford, Drucilla  
 Sullivan, Henry P.

Flynn, Edward J.  
 Vincent, Francis C.

Foss, Patricia H.

**SULLIVAN**

Krueger, Richard H.  
 and the motion passed.

Middleton, John A.

Rodeschin, Beverly T.

Rep. Ferlan notified the Clerk that he wished to be recorded in favor of the substitute motion.

Substitute committee report adopted.

Ordered to third reading.

**HB 1481-FN-A**, relative to a uniform business tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Frederick G. Ahrens for Ways and Means: The first vote was to Refer for Interim Study. It failed 5-12. The second vote for Inexpedient to Legislate passed 15-2. The bill would repeal the Business Profits Tax and substitute a Uniform Business Tax, which suggestion has been turned down by the Ways and Means Committee twice before because

it would impose a tax on businesses regardless of whether they make a profit. In these times, it was felt that such a radical change in business taxation would be inappropriate.

Rep. William McCann moved that the words Refer to Interim Study be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Hayes spoke against and yielded to questions.

On a division vote, 68 members having voted in the affirmative and 254 in the negative, the motion lost.

Report adopted.

**HB 1443-FN-L**, extending the time period allowed for redemption before a municipality may sell a property for nonpayment of property taxes. **INEXPEDIENT TO LEGISLATE**.

Rep. Karen O. Wadsworth for Municipal and County Government: The Committee held a public hearing on this bill on January 28, and was expecting an amendment which would have changed the thrust of the bill. No amendment has been presented. The Department of Revenue Administration estimated that this bill, if passed, would cause a cash-flow problem of over 2.5 million dollars, which could be recovered after the third year. The bill was favored by the co-sponsors, but was opposed by the finance director of the City of Nashua, the tax collector of the City of Manchester (representing the NH Tax Collectors Association), and by the New Hampshire Municipal Association. Vote 14-0.

Adopted.

**CACR 28**, relating to restricted motor vehicle revenues. Providing that excess motor vehicle revenues be appropriated for public transportation. **INEXPEDIENT TO LEGISLATE**.

Rep. David J. Alukonis for Public Works: The Public Works Committee is unanimous in its belief that this proposed constitutional amendment is both unwise and unnecessary based upon the following findings:

1. Fairness: Our constitutional guaranty that auto fuel taxes and automotive-related fees be dedicated to highway construction and maintenance is an extremely fair tax — it is a true user fee. An alteration of this sort to Article 6-A of the State constitution would lessen the fairness of this tax as it currently exists.

2. Funds available: The State Highway Fund does not have funds enough available for any further erosion of this fund. Currently, the N.H. D.O.T. is eligible to use only 65 cents of every highway fund dollar for highway construction and maintenance.

The other 35 cents of each and every dollar goes to places such as the Department of Safety, the court system, drug and alcohol abuse programs, and as highway block grants to cities and towns.

We have heard much about the \$554 million of federal funds which New Hampshire expects to receive over the the next six (6) years as a result of the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). However, the Legislature must be mindful that the state still will be \$150 million shy of enough funds to construct the projects legislated in the 10-year plan. The Highway Fund simply cannot afford any further erosion.

3. Merit: The majority of those who testified in favor of CACR 28 spoke of the need for passenger rail service throughout the state. The committee was presented with no evidence that such costly measures would be feasible. As an example - the U.S. Congress has appropriated \$50 million to establish passenger rail service between Portland and Boston. It is expected that only 200 to 250 New Hampshire residents will use this rail line daily.

Additionally, no federal dollars could be used to develop rail stations or adjacent parking lots, nor would any federal dollars be available to cover the operating deficits which are anticipated.

Should the Legislature choose to pursue mass transit via railway systems, other existing funding mechanisms are already in place such as the railroad tax which currently collects \$400,000 annually. It should be noted that there already exists legislation which allows the state to subsidize 80% of the improvements made to privately-owned rail lines.

Should the Legislature choose to pursue mass transit via non-rail options, the committee understands that the D.O.T. may use highway funds for such purposes should those methods involve the state highway system. The Attorney General's office has indicated that the current language of Article 6:A of the constitution would not prohibit the use of those funds for transit systems involving busses, car pools or other methods which use roadways. Vote 13-0.

Rep. Alukonis yielded to questions.

Rep. Klemarczyk spoke against the committee report.

Adopted.

### MOTION TO SPECIAL ORDER

Rep. Lougee moved that **HB 1450**, establishing a 5-year capital budget plan, be made a special order for March 3, and spoke in favor.

Reps. Gene Chandler and Gross spoke against.

The motion failed.

**HB 1450**, establishing a 5-year capital budget plan. **INEXPEDIENT TO LEGISLATE.**

Rep. Beaton Marsh for Public Works: House Bill 1450 directs the governor to submit a 5-year capital budget to the Legislature annually, detailing capital projects to be undertaken in the next two fiscal years and forecasting the capital projects for the following three fiscal years. The Committee agrees with the sponsor that the Capital Budget should be based on long-range planning. However, they did not feel sufficient testimony was given to support the proposed 5-year plan. Vote 14-0.

Rep. Lougee spoke against.

Rep. Gene Chandler spoke in favor.

Adopted.

The Speaker requested a quorum count.

The Speaker declared a quorum present.

### MOTION

Rep. Warburton moved that the Clerk be instructed to change the member's party designation from Republican to Libertarian and that House records henceforth reflect the change in the member's party affiliation, spoke in favor and yielded to questions.

Rep. Michael Hill spoke against and yielded to questions.

Rep. Barnes spoke in favor.

On a division vote, 135 members having voted in the affirmative and 182 in the negative, the motion failed.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same



as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet March 3 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 1213**, clarifying that notice of claim of paternity be filed prior to a mother's voluntarily relinquishing her rights pursuant to an adoption.

**HB 1135**, relative to liquidation under the supervision of the bank commissioner.

**HB 1141**, relative to retail installment sales of motor vehicles.

**HB 1191**, prohibiting insurance companies from nonrenewing a homeowner's policy solely on the basis that a claim has been filed.

**HB 1295**, prohibiting discrimination in insurance policies against elected or appointed officials.

**HB 1330**, prohibiting certain credit card practices involving providers of travel services.

**HB 1491-FN-L**, requiring professional fundraisers for police, law enforcement and firefighters' associations to register with and be regulated by the department of justice, increasing the amount of the registration fee, solicitation fee and bond, and making technical amendments to the registration law.

**HB 1207**, exempting hospice houses from certificate of need review.

**HB 1374**, establishing a task force on women at risk for alcohol and other drug abuse during pregnancy.

**HB 1326**, requiring that service of process at a defendant's abode comply with court rules.

**HB 1167**, relative to the police commission in the town of Conway.

**HB 1202**, permitting municipalities that have biennial municipal elections to submit charter changes for approval at biennial state elections.

**HB 1329-FN-L**, specifying the time for the municipal treasurer to make payments of annual budget funds to the village districts.

**HB 1178**, extending the appropriation for the Manchester district court facility.

**HB 1361**, establishing a committee to study state motor vehicle fleet management.

**HB 1345**, allowing off-sale beer and wine licensees to advertise by signs and posters.

**HB 1214**, establishing a study committee to assess present enforcement of certain state environmental laws by environmental regulatory agencies of the state of New Hampshire.

**HCR 24**, urging the President to establish a commission to review access to current health care systems and to adopt unified access to health care in this country and urging Congress to enact recommendations of the commission.

**HB 1118**, relative to membership of the permanent committee for barrier-free design.

**HB 1164**, relative to seaplanes operating on bodies of water in New Hampshire.

**HB 1166**, changing the definition of "commercial boat" for the purposes of boat registration and granting a muffler exemption for antique and classic boats.

**HB 1478-FN-L**, restructuring the Pease development authority.

**HB 1222-FN-L**, authorizing schools to modify authorized regional enrollment area (AREA) agreements.

**HB 1251**, relative to the observance of Memorial Day by school districts.

**HB 1448**, relative to the loyalty oath for teachers.

**HB 1108**, authorizing valid living wills executed in other states to be recognized in New Hampshire.

**HB 1209**, establishing a committee to study the real estate valuation and revaluation process.

**HB 1287-L**, enabling certain municipalities to issue tax lien redemption notes and relative to the transfer of tax liens.

**HB 1296**, removing a prohibition on certain card games and permitting commercial motor vehicle racetrack facilities to make certain beverage sales.

**HB 1388**, imposing a civil penalty in any proceeding in which a rule of a manufactured housing park owner is deemed unreasonable.

#### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 1100-FN-L**, establishing a housing assistance trust fund. (Amendment printed SJ 8, 2/20/92)

Rep. Tufts moved that the House concur.

Adopted.

#### SUSPENSION OF RULES

Rep. Trelfa moved that the rules be so far suspended as to permit the Committee on Economic Development to hold a public hearing on **HCR 30**, relative to the small-issue industrial development bond program, without the required notice.

Rep. Gross spoke in favor.

Adopted by the necessary two-thirds.

#### NOTICE OF RECONSIDERATION

Having voted with the prevailing side, Rep. Richard Campbell served notice that today, February 27, or some subsequent day as limited by the rules he will move that the House reconsider its actions whereby it found **HB 1497-FN**, relative to retirement benefits, employer contributions to the retirement system, and the retirement system board of trustees, Inexpedient to Legislate.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:35 p.m.

#### RECESS

Rep. Stacey Cole moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 14

Tuesday, March 3, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O Lord of truth, there are many voices competing for our attention. Help us to hear Your voice in the work we are already doing, through the committees where people are serving, and as part of the issues with which we are wrestling. Atune our hearing to the melodies of truth, and keep us on track as we strive to fashion a society which is prosperous in love and abundant in justice. Amen.

Rep. Letourneau led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Anderson, Thomas Christie, Gilbreth, Fenton, Parr, Ann Torr, Kinney, Morse, Robert Foster, Martling and Stapleton, the day, illness.

Reps. Dube, Donald Messier, A. Gibb Dodge, Haettenschwiller, Harland, Schmidtchen, Kincaid, Rheault, DePecol, Lefebvre, Woods and Wadsworth, the day, important business.

Rep. Senter, the day, death in the family.

Reps. Appleby and Simon, the day, illness in the family.

### INTRODUCTION OF GUESTS

Karen and Venessa Poza and Jill Dipasquale, guest of Rep. Gosselin. Carol Popovich, guest of Rep. William McCain.

### RESOLUTION

Its introduction having been approved by the Rules Committee: Rep. Gross offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution number 62, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HOUSE RESOLUTION

#### First, second reading and referral

**HR 62**, urging the President of the United States and Congress to repeal the tax on unemployment compensation benefits at any level and rate. (Chambers of Grafton Dist. 12; Trombly of Merrimack Dist. 4; O'Rourke of Hillsborough Dist. 35; D. Cote of Hillsborough Dist. 25; R. Hawkins of Belknap Dist. 5 - To State-Federal Relations)

### ENROLLED BILLS REPORT

**HB 379**, relative to advertising devices within highway rights-of-way.

**HB 1370**, to provide rotating 4-year county commissioner terms in Rockingham County.

**SB 172**, relative to enhanced family care facilities and making an appropriation therefor.

**SB 220**, relative to the district court's jurisdiction over certain children and making an appropriation therefor.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1143-FN-A**, relative to administrative fines, court fines for violations of weights and measures laws, continually appropriating a special account to the bureau of weights and measures, and increasing the per-brand registration fee for commercial feed, was removed at the request of Rep. Ouellette.

**HB 1252**, creating exceptions from and reciprocity for state water laboratory certification, clarifying the use of fees for certifying state water laboratories, and changing the special account into a special continuously appropriated revolving fund account, was removed at the request of Rep. Dickinson.

**HB 1321-L**, imposing controls on the budget, including limiting budget increases, and relative to procedures to be followed when there is a revenue shortfall or a budget surplus, was removed at the request of Rep. Jacobson.

Consent Calendar adopted.

**HB 1054-FN**, relative to the industrial development authority.(A) OUGHT TO PASS.

Rep. Robert E. Murphy for Appropriations: The bond guarantee addressed in this bill will apply to a James River Corporation bond for modification of the plants in Berlin and Gorham. There will be very little if any impact on the bond rating of the state. The corporation is self-funding and its assets will adequately cover this 25 million dollar bond. The continuation of the operation of these plants will provide up to 22,000 jobs in Coos County, both direct employment and supporting jobs. Vote 18-1.

**HB 1211**, permitting public employees to file an unfair labor practice complaint after a certain time without exhausting administrative remedies. OUGHT TO PASS.

Rep. Channing T. Brown for Appropriations: This bill permits a public employee to file certain unfair labor practice complaints without exhausting administrative remedies if after commencing remedy procedure the administrative remedies have not been exhausted within six months. The Appropriations Committee feels there are minimal if any fiscal impacts as a result of this bill. Vote 18-0.

**HB 1216**, allowing certain funds to be transferred to the new women's dormitory account at the New Hampshire technical institute. OUGHT TO PASS.

Rep. Mary Jane Wallner for Appropriations: This bill allows funds in the women's dormitory sustenance fund to be transferred to the new women's dormitory account at the New Hampshire Technical Institute. This will allow these funds to be used to pay for the new women's dormitory. Vote 19-0.

**HB 1227-A**, decreasing the bonding authorized relative to the Manchester access ramp project.(A) OUGHT TO PASS.

Rep. Gerald P. Merrill for Appropriations: This is a housekeeping bill which brings the bonding authorized for the Manchester access ramp project in line with the expenditure and repeals a duplicated bond authorization for Gosling Road improvements. Vote 19-0.



**HB 1238-FN**, authorizing the reconstruction of the Route I-89 exits 18 and 20 interchanges in Lebanon.(A) OUGHT TO PASS.

Rep. Merle W. Schotanus for Appropriations: This bill adds to the 10-year highway plan reconstruction of Exit 18, I-89, which serves the Dartmouth/Mary Hitchcock Medical Center, and Exit 20, I-89, which serves the burgeoning commercial area of the upper valley region. Vote 19-0.

**HB 1347-A**, designating money for the planning and design of a regional vocational education center in Milford.(A) OUGHT TO PASS.

Rep. Neal M. Kurk for Appropriations: This bill authorizes the state treasurer to make moneys available to the Department of Education for the purpose of planning and designing a regional vocational education center in Milford. It is estimated that \$50,000 will be bonded, requiring approximately \$5,600 in debt service beginning in FY 1995 and lesser amounts each year for the next 19 years. Vote 19-0.

**HB 1375**, requiring individuals convicted of drunk or drugged driving to obtain a medical insurance rider to cover the cost of treatment for alcoholism or drug abuse. INEXPEDIENT TO LEGISLATE

Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs: The committee felt this was legislation to mandate as did the Deputy Commissioner David Nichols of the Insurance Department. The vote of the committee was 13 to 0 to recommend inexpedient to legislate. Vote 13-0.

**HB 1417**, requiring the return of a mortgage discharge within 15 days. INEXPEDIENT TO LEGISLATE

Rep. Lawrence J. Guay for Commerce, Small Business and Consumer Affairs: This bill would have changed the date of discharges on mortgages from 60 days to 15 days. The committee feels that passing this bill would not solve the problem. Before January 1, 1990, the mortgagor was responsible to discharge the mortgages with the register of deeds where the land lies. After January 1, 1990, the mortgagee (banks, mortgage corporations, etc.) now has the responsibility to discharge the mortgages with the register of deeds. Changing the numbers of days would not help those who paid their mortgages before 1990. Vote 13-0.

**HB 1323-L**, forming a study committee to develop a survey to be used by the department of education to collect and compile information regarding major school construction projects. OUGHT TO PASS WITH AMENDMENT.

Rep. Susan B. Durham for Education: The Committee felt that the results of such a survey on completed school buildings would be useful to other local school officials starting a new building project. The amendment brings in a broader spectrum of opinion than the original bill. Vote 16-0.

5117L

### Amendment

Amend the bill by replacing section 1 with the following:

1 Study Committee on School Construction Established. There is hereby established a study committee to develop a survey for the department of education. The survey shall be used to collect and compile information about the experience of school administrative units regarding major school construction projects. Other districts could then use this information and benefit from the experience of other school administrative units by capitalizing on their successes and strengths and by avoiding their problems and pitfalls. The committee shall consist of the following members:

- I. The commissioner of education, or designee.
- II. A local school board member designated by the New Hampshire School Boards Association.
- III. A school administrator designated by the New Hampshire School Administrators Association.
- IV. A state board member appointed by the chairman of the board.
- V. A licensed architect designated by the board of architects.
- VI. A principal appointed by the New Hampshire Principals Association.
- VII. A teacher appointed by the commissioner of education.
- VIII. Two house members appointed by the speaker of the house, one of whom shall be a member of the house education committee.
- IX. Two senators appointed by the president of the senate, one of whom shall be a member of the senate education committee.

**HB 1344-L**, allowing county solid waste districts instead of town solid waste districts by majority vote of the county delegation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betty B. Hall for Environment and Agriculture: The confusion that exists because of the inconsistency of the current solid waste statutes needs to be reviewed. Revisions should be ready for the next session. The amendment directs the appropriate House and Senate Committees to draft legislation for the next session. Vote 13-0.

5159L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

requiring the house environment and agriculture and the senate environment committees to review the laws relative to solid waste management.

Amend the bill by replacing all after the enacting clause with the following:

1 Recodification of Solid Waste Laws. The house environment and agriculture and the senate environment committees shall review the laws relative to solid waste management, including but not limited to RSA 149-M, RSA 53-A and RSA 53-B, in time for the introduction in the 1993 legislative session of legislation pertaining to the recodification of these laws.

2 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill requires the house environment and agriculture and the senate environment committees to review the laws relative to solid waste management and to introduce legislation in the 1993 legislative session pertaining to the recodification of these laws.

**HB 1372-FN**, placing restrictions on the sale and disposal of manganese, zinc carbon, and oxide batteries. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy Tarpley-Bamberger for Environment and Agriculture: House Bill 1372 sets guidelines for the reduction of mercury in certain dry-cell batteries, as well as for labeling and disposal. The bill is the outcome of a collaborative effort among manufacturers, regulators and committee members. Vote 15-0.

4884L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

placing restrictions on the sale and disposal of manganese,  
zinc carbon, oxide and nickel-cadmium batteries.

Amend the bill by replacing section 1 of the bill with the following:

1 New Section; Restrictions on Battery Sales and Disposal. Amend RSA 149-M by inserting after section 22 the following new section:

149-M:22-a Restrictions on Battery Sales and Disposal; Exemptions.

I.(a) Except as provided in subparagraph (b), no person shall sell or offer for sale in New Hampshire an alkaline manganese battery manufactured on or after January 1, 1993, which battery contains more than 0.025 percent mercury by weight of the battery.

(b) No person shall sell or offer for sale in New Hampshire alkaline manganese batteries having sizes and shapes resembling buttons or coins on or after January 1, 1993, which have a mercury content of more than 25 milligrams of mercury/battery.

(c) After January 1, 1996, a manufacturer shall not sell, distribute, or offer for sale in this state an alkaline manganese battery, except an alkaline manganese button cell, that contains added mercury, unless the commissioner of the environmental services grants an exemption pursuant to paragraph IV of this section.

II.(a) On application by a manufacturer, the commissioner of environmental services may exempt a manufacturer from the requirements of subparagraph I(c) if the manufacturer demonstrates that:

(1) Since the effective date of this act, the manufacturer has worked in good faith to develop mercury-free alkaline manganese batteries which, with respect to safety, leakage, capacity, rate capability and shelf life, are as good as alkaline manganese batteries containing no more than 0.025 percent mercury produced by that manufacturer on January 1, 1993; and

(2) If granted that exemption, the manufacturer shall continue to work in good faith to achieve the goals described in subparagraph (a)(1).

(b) An exemption granted by the commissioner of environmental services under this paragraph shall be effective for 2 years and may be renewed.

III. A manufacturer may not sell, distribute, or offer for sale in New Hampshire a zinc-carbon battery that contains an added mercury concentration level of more than 10 parts per million by weight for batteries manufactured on or after January 1, 1993.

IV. On and after January 1, 1993, no person shall dispose of mercuric oxide batteries in New Hampshire except in a manner approved by the department of environmental services under rules adopted pursuant to RSA 541-A.

V. Beginning July 1, 1993, no person shall sell or offer for sale in this state any consumer product manufactured after July 1, 1993, which contains a nickel-cadmium battery unless:

(a) The battery can be easily removed by the consumer or is contained in a battery pack that is separate from the product and can be easily removed; and

(b) Such product, the package containing such product, or the battery itself is labeled in a manner which is visible to the consumer prior to purchase with one of the following statements, as appropriate, printed in capital letters:

(1) "CONTAINS NICKEL-CADMIUM BATTERY. MUST BE DISPOSED OF PROPERLY"; or

(2) "NICKEL-CADMIUM BATTERY. MUST BE DISPOSED OF PROPERLY."

VI. The commissioner of environmental services may authorize the sale of a consumer product which does not comply with the provisions of paragraph V, if such product was available for sale on or before the effective date of this act and the commissioner determines that:

(a) Such product cannot reasonably be redesigned and manufactured by July 1, 1993; or

(b) The redesign of such product to comply with this section would result in significant danger to public health and safety. Any authorization under this paragraph shall be limited to 2 years and may not be renewed.

#### AMENDED ANALYSIS

This bill:

(a) Prohibits the sale of alkaline manganese batteries after January 1, 1993 which contain more than 0.025 percent mercury by weight of the battery, or in the case of button or coin-shaped batteries, which have a mercury content of more than 25 milligrams of mercury/battery.

(b) Prohibits the sale of all alkaline manganese batteries, except button cell, after January 1, 1996, unless granted an exemption by the commissioner of environmental services.

(c) Prohibits the sale or distribution after January 1, 1993, of zinc-carbon batteries that contain a mercury concentration level of ten parts per million by weight.

(d) Prohibits the disposal after January 1, 1993, of mercuric oxide batteries unless approved by the department of environmental services.

(e) Prohibits the sale of all nickel-cadmium batteries unless easily removable or labeled to indicate that proper disposal is required.

(f) Establishes criteria for the exemption by the commissioner of environmental services of certain battery sales prohibitions.

**HB 1390-FN**, providing a 5 percent cost of living adjustment for teacher members of the retirement system and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. **OUGHT TO PASS.**

Rep. Merton S. Dyer for Executive Departments and Administration: This bill will provide a permanent five percent Cost of Living Adjustment for teacher members of the NHRS retired before July 1, 1991 and a permanent 10 percent Cost of Living Adjustment for those teachers retired before July 1957. This Cost of Living Adjustment will be terminally funded from the teachers special account. This funding will have no effect upon state or local funds and will leave a small balance in their special account. Vote 11-0.

**HB 1399-FN**, changing the name of the board of examiners of psychologists to the board of examiners of mental health practice, expanding such board, and certifying mental health counselors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen W. Ward for Executive Departments and Administration: This bill represents a cumulation of many years leading to certification of mental health counselors and marriage and family therapists. It changes the Board of Examiners of Psychologists to the Board of Examiners of Psychology and Mental Health Practice.



This bill protects both practitioner and consumer alike, as it provides safeguards in long-term, ongoing therapy for clients. Vote 11-0.

5195L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

changing the name of the board of examiners of psychologists to the board of examiners of psychology and mental health practice, expanding such board, and certifying mental health counselors.

Amend the bill by replacing all after the enacting clause with the following:

1 Chapter Heading. Amend the chapter heading of RSA 330-A to read as follows:

#### **[PSYCHOLOGISTS] MENTAL HEALTH PRACTICE**

2 Purpose. RSA 330-A:1 is repealed and reenacted to read as follows:

330-A:1 Purpose. The purpose of this chapter is to regulate mental health services provided by practitioners in the state to assure that the services are effective and of a quality consistent with the standard of care within each profession and to safeguard the public against harm which may be caused by the untrained or unskilled practitioner. Specifically, this chapter applies only to practitioners providing mental health services to persons with a diagnosis specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or an equivalent of such manual as determined by the board. This chapter shall assure that all consumers of mental health services shall receive an individual mental health diagnosis and, according to this diagnosis, shall receive consultation from a specific and appropriate mental health practitioner. This chapter shall not be construed to prevent or prohibit the practice of any other mental health discipline or therapy not regulated by this chapter, nor restrict the traditional right of ministers and clergy to give individual or group counseling.

3 New Section; Definitions. Amend RSA 330-A by inserting after section 1 the following new section:

330-A:1-a Definitions. As used in this chapter:

I. "Board" means the state board of examiners of psychology and mental health practice.

II. "Mental health service" means the observation, description, evaluation, interpretation, diagnosis, and modification of human behavior by the application of psychological principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal relationships, work and life adjustments, personal effectiveness, behavior health, and mental health, as well as the diagnosis and treatment of the psychological aspects of physical illness, accident, injury, or disability. Mental health services shall be limited to those services based on diagnosis and treatment of mental and emotional disorders and psychoeducational or consultative techniques integral to the treatment of such disorders when diagnosis is specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or an equivalent of such manual as determined by the board.

4 Board. Amend RSA 330-A:3 to read as follows:

330-A:3 Board. There shall be a board of examiners of [psychologists] **psychology and mental health practice** consisting of [7] **9** members: 2 certified psychologists; one certified [associate] **assistant** psychologist; one teacher of psychology who has

received a doctoral degree in psychology, is a member of the faculty of an accredited college or university in this state, and is actively engaged in the teaching of psychology; one certified pastoral counselor; one certified clinical social worker; **one certified mental health counselor; one certified marriage and family therapist**; and one public member; each to be appointed by the governor, with the approval of the council, to a term of 3 years. [Members shall be appointed to staggered terms. In order to effect staggered terms the public member and the associate psychologist shall receive initial appointments of one year; the certified pastoral counselor and certified psychologist shall receive initial appointments of 2 years, and one certified psychologist, the doctoral level teacher of psychology and the certified clinical social worker members shall receive initial 3-year appointments.] The board shall elect a chairman each year with no person serving consecutive terms as chairman. No member shall be appointed to more than 2 consecutive terms. Only board members provided for in this section shall have the authority to vote in board determinations.

5 Qualifications. RSA 330-A:4, I-a is repealed and reenacted to read as follows:

I-a. Each member of the board shall be a resident of the state and certified under the provisions of this chapter.

6 Rulemaking. Amend RSA 330-A:8, X and XI to read as follows:

X. Procedures for the conduct of hearings consistent with the requirements of due process; [and]

XI. The content of the materials and information to be distributed under RSA 330-A:10-a[.];

**XII. Ethical standards, such as those promulgated by the American Association for Counseling and Development, required to be met by each person who is certified as a mental health counselor, and how a certificate may be revoked for violations of these standards;**

**XIII. Ethical standards, such as those promulgated by the American Association of Marriage and Family Therapy, required to be met by each person who is certified as a marriage and family therapist, and how a certificate may be revoked for violations of these standards;**

**XIV. Criteria and procedures for determining the scope of practice for each of the disciplines certified under this chapter, including, but not limited to, distinguishing the areas of expertise among the mental health professionals certified under this chapter;**

**XV. Procedures for assuring the continued competence of persons certified under this chapter, including, but not limited to, continuing education requirements;**

**XVI. Procedures for educating the public regarding quality mental health care and the responsibility of mental health practitioners to the clients they serve; and**

**XVII. Procedures for how a certificate may be revoked or suspended.**

7 New Sections; Investigations and Preliminary Hearings; Hearings. Amend RSA 330-A by inserting after section 15 the following new sections:

330-A:15-a Investigations and Preliminary Hearings.

I. The board may investigate possible misconduct by certified members and other matters within the scope of this chapter. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally, without such an order. In either case, board investigations and the information gathered in such investigations shall be exempt from the public disclosure

provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

II. The board may retain legal counsel, medical advisors, mental health advisors, or other investigators to assist with any investigation and with adjudicatory hearings. Members of the board are not eligible for retainment.

III. The form taken by an investigation is a matter reserved to the discretion of the board. The board may conduct investigations on an ex parte basis.

IV.(a) The board may administer oaths or affirmations, preserve testimony and issue subpoenas for witnesses and for documents and things only in a formal investigation or an adjudicatory hearing, except that subpoenas for medical records and pharmacy records, as provided in paragraph V, may be issued at any time.

(b) The board may serve a subpoena on any certified member of the board by certified mail, but shall serve a subpoena on any certified member of the board in accordance with the procedures and fee schedules used in superior court.

(c) Any person certified by the board shall not be entitled to a witness fee or mileage expenses for travel within the state.

(d) Any subpoena related to appearance at a hearing or investigatory proceeding issued by the board shall be annotated "Fees Guaranteed by the New Hampshire Board of Psychology and Mental Health Practice" in order to be valid.

(e) A minimum of 48 hours' notice shall be given for compliance with a subpoena issued under this chapter.

V. The board may at any time subpoena medical records and pharmacy records from its certified members and from hospitals and other health care providers licensed or certified in this state. Such subpoenas shall be served by certified mail or by personal delivery to the address shown on the respondent's current certificate, and shall require no witness or other fee. A minimum of 15 days' advance notice shall be allowed for complying with a subpoena duces tecum issued under this paragraph.

VI. All certified members shall have the duty to notify the board of their current business and residence addresses. A certified member shall receive adequate notice of any hearing or other action taken under this chapter if notice is mailed in a timely fashion to the most recent home or business address furnished to the board by the certified member.

VII. On its own motion or in response to a complaint received by the board, the board may informally mail a copy of a complaint to any certified member who is the subject of the complaint and require the certified member to provide a detailed and good faith written response to the allegations identified by the board. The certified member shall provide complete copies of his office records concerning any patient identified in the complaint. The certified member shall respond to such request within a reasonable time period of not less than 15 days, as the board may specify in its written request.

VIII. Any person may file a written complaint with the board which charges that a person certified by the board has committed misconduct. The board may hold preliminary hearings to facilitate the informal disposition of complaints which, during the preliminary hearing, are found to be unwarranted or unjustified. The board shall follow the provisions of RSA 541-A:16, V in conducting such hearings. Some or all of the allegations in a complaint may be consolidated with another complaint or with issues which the board wishes to investigate or hear on its own motion. If an investi-



gation of a complaint results in an offer of settlement by the certified member, the board may settle the allegations against the certified member without the consent of a complainant, provided that material facts are not in dispute and the complainant is given an opportunity to comment upon the terms of the proposed settlement.

330-A:15-b Hearings.

I. Any complaint not resolved at or prior to a preliminary hearing shall be heard by the board. Such hearing shall be an open public hearing. Any member of the board shall have the authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

II. The board shall furnish the respondent and the complainant, if any, at least 15 days' written notice of the date, time and place of a hearing, except as otherwise provided in this chapter. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

III. The board may at any time dispose of allegations in a complaint, investigation, or disciplinary hearing by settlement, default, or consent order, by issuing an order of dismissal for failing to state a proper basis for disciplinary action or by summary judgment order based upon undisputed material facts. In disciplinary hearings, the board may hold prehearing conferences which shall be exempt from the provisions of RSA 91-A, but all final disciplinary actions, including those which occur without holding a public hearing, shall be publicly released at the time they are served upon the parties.

IV. The respondent shall be heard in his defense either in person or by counsel and may produce witnesses and testify in his behalf. A stenographic record of the hearing shall be taken and preserved. The hearing may be adjourned from time to time.

V. Every final disciplinary action and other adjudicatory decisions made final by the board shall be reduced to writing and served upon the parties. Such decisions shall not be public until they are served upon the parties.

VI. The board shall have no obligation or authority to appoint or provide an attorney to any person appearing at a board hearing or investigation.

330-A:15-c Temporary Suspension Where Imminent Threat. In cases involving imminent danger to life or health, the board may order suspension of a certificate pending hearing for a period of no more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 330-A:15-b. A certified member may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of certificate suspension commensurate with the additional time extended.

8 Persons Excepted. RSA 330-A:16 is repealed and reenacted to read as follows:

330-A:16 Persons Excepted. Nothing in this chapter shall be construed to limit:

I. The activities, services, and use of official title on the part of a person in the employ of a federal, state, county, or municipal agency; other political subdivision; or duly chartered educational institution, insofar as such activities and services are a part of the duties of such person in that salaried position.

II. The activities and services of a student, intern, or resident in a mental health discipline regulated by the board of mental health practice, who is pursuing a course



of study approved by a regionally accredited degree granting institution or at another training site approved as providing qualifying training and experience constituting a part of the supervised course of study.

III. The counseling activities of rabbis, priests, ministers, christian science practitioners, clergy, or members of religious orders when their counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally recognizable church or denomination.

IV. The activities and services of any other person providing mental health services as an employee of or consultant with an institution, facility, a nonprofit institution or agency which provides clinical mental health experience and individual supervision and which assumes professional, ethical, and legal responsibilities for the mental health profession.

9 New Sections; Mental Health Counselors. Amend RSA 330-A by inserting after section 16-d the following new sections:

330-A:16-e Certified Mental Health Counselor. The board shall issue a mental health counselor certificate to any person who meets all of the following requirements or their equivalent:

I. Has a master's degree or a doctorate degree in counseling from a regionally accredited institution whose graduate program meets the guidelines set forth by the National Academy of Certified Clinical Mental Health Counselors or the National Board for Certified Counselors, Inc. or has a master's degree or a doctorate degree with a concentration in the field of counseling or psychology from a regionally accredited institution.

II. Has passed the national exam of the National Academy of Certified Clinical Mental Health Counselors or the National Board for Certified Counselors, Inc.

III. Has completed a minimum of 2 years of paid, post-master's experience in a mental health counseling setting, including completion of a minimum of 3,000 hours of supervised clinical work in no less than a 2-year period and no more than a 5-year period and whose supervision was supervised by a nationally certified or state certified mental health professional, and 100 hours of face-to-face supervision by a certified mental health professional.

330-A:16-f Marriage and Family Therapist. The board shall issue a marriage and family therapist certificate to any person who meets all of the following requirements or their equivalent:

I. Has a master's degree or a doctorate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education or has a master's degree or a doctorate degree with a concentration in the field of marriage and family therapy from a regionally accredited institution or has clinical membership in the American Association of Marriage and Family Therapy.

II. Has passed the national exam of the Association for Marriage and Family Therapy Regulatory Boards.

III. Has completed a minimum of 2 years of post-master's experience in a mental health counseling setting, including completion of a minimum of 1,000 hours of supervised practice of marriage and family therapy under supervision approved by the American Association of Marriage and Family Therapy or the board of mental health practice, and the individual must have completed 200 hours of face-to-face supervision by a supervisor approved by the American Association of Marriage and Family

Therapy or the board of mental health practice. Supervision standards shall be equivalent to an American Association of Marriage and Family Therapy approved supervisor or approved alternate supervision as defined by the American Association of Marriage and Family Therapy Commission on supervision.

10 Interdisciplinary Collaboration; Long-Term Treatment. Amend RSA 330-A:18 to read as follows:

**330-A:18 Practice of Medicine Unauthorized; Interdisciplinary Collaboration; Long Term Treatment.**

I. Nothing herein shall authorize any person to engage in any manner in the practice of medicine as defined in the laws of this state.

II. **Persons certified by this board shall consult in interdisciplinary collaboration with persons licensed under RSA 329 and RSA 326-B:10 when the diagnosis and treatment involves either severe or chronic mental illness, or whose treatment involves psychopharmaceutical medication for such disorder as, but not limited to, organic disorders, manic depression, schizophrenia, and similar mental disorders.**

III. **In the case of long-term, ongoing therapy, a master level practitioner shall consult with a physician, or Ph.D. psychologist, at least quarterly. The client shall have a diagnosis and formulation of an agreed written treatment plan for the client. They shall agree to a diagnosis and the formulation of a written treatment plan for the client, and such agreed items shall become a part of the client's record.**

11 Violations. Amend RSA 330-A:21 to read as follows:

**330-A:21 Violations. Except as [hereinbefore] otherwise provided in RSA 330-A, after July 1, 1959, any person not a certified psychologist who shall represent himself as a psychologist as defined in this chapter, or, any person not a certified pastoral counselor who shall represent himself as a certified pastoral counselor or after January 1, 1984, any person not a certified clinical social worker who shall represent himself as a certified clinical social worker, or, after January 1, 1993, any person not a certified mental health counselor or a certified marriage and family therapist who shall represent himself as a certified mental health counselor or as a certified marriage and family therapist, or any person who violates any of the provisions of RSA 330-A relating to psychology [or], certified pastoral counselor, clinical social work, clinical mental health counseling, or marriage and family therapy, or, having had his certificate suspended or revoked, shall continue to represent himself as a certified psychologist [or], certified pastoral counselor, certified clinical social worker, certified mental health counselor, or certified marriage and family therapist shall be guilty of a misdemeanor, and each violation shall be deemed a separate offense.**

12 Definitions. Amend RSA 330-A:23, III to read as follows:

III. "Psychotherapist" means a psychologist, certified clinical social worker, [or] certified pastoral counselor, **certified mental health counselor, or certified marriage and family therapist** who performs or purports to perform psychotherapy.

13 Applicability.

I. Any person who meets the requirements of RSA 330-A:16-e, I and III and has passed either the national exam of the National Academy of Certified Clinical Mental Health Counselors or the National Board for Certified Counselors, Inc. and is nationally certified as a certified clinical mental health counselor or nationally certified as a

national certified counselor prior to the effective date of this act shall be granted certification as a mental health counselor by the board of psychology and mental health practice.

II. Any person meeting the requirements or RSA 330-A:16-f, III prior to the effective date of this act shall be granted certification as a marriage and family therapist by the board of psychology and mental health practice.

III. Within 120 days after the effective date of this act, the governor, with the approval of council, shall appoint the mental health counselor member and the marriage and family therapist member to the board of psychology and mental health practice from among those persons certified under paragraph I or II of this section.

14 Repeal. RSA 330-A:15, relative to hearings, is repealed.

15 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill:

(a) Amends existing law to provide for the regulation of mental health practice and makes necessary technical changes.

(b) Defines "mental health service."

(c) Extends the rulemaking authority of the board of examiners of psychology and mental health practice.

(d) Provides a procedure for preliminary hearings and disciplinary hearings before the board for persons certified under the chapter.

(e) Provides for the certification of mental health counselors.

(f) Provides for the certification of marriage and family therapists.

(g) Exempts certain conduct from regulation by the board.

**HB 1438-FN**, requiring the department of administrative services to include consideration of energy efficiency in its purchase of lighting, heating, and cooling devices and establishing an interagency energy efficiency committee. REFER FOR INTERIM STUDY.

Rep. Kathleen W. Ward for Executive Departments and Administration: This legislation would require the Department of Administrative Services to include energy efficiency in its purchase of lighting, heating and cooling devices and to establish an interagency energy efficiency committee. It is the Committee's recommendation for the department and the Office of Energy to submit a plan of action to accomplish these objectives and for the committee to then make recommendations as to any laws that might be needed or changed. Vote 13-0.

**HB 1500-FN**, making the police standards and training council responsible for certification of corrections officers. REFER FOR INTERIM STUDY.

Rep Merton S. Dyer for Executive Departments and Administration: The Police Standards and Training Council would become responsible for certification of corrections officers, and add another member to the Police Standards and Training Council. There are some basic questions about law enforcement training that should be answered before this bill can be drafted in its final form. Vote 13-0.

**HB 1183-FN**, relative to the importation, propagation and possession of aquatic and wildlife species. OUGHT TO PASS WITH AMENDMENT.

Rep. Allen R. Wiggin for Fish and Game: House Bill 1183 is a housekeeping bill. Its purpose is to get all the RSAs pertaining to the propagation of aquatic and wildlife species into one chapter. Vote 16-0.

5202L

**Amendment**

Amend the bill by replacing all after section 2 with the following:

3 Importing and Releasing Wildlife; Authority to Regulate. RSA 207:14 is repealed and reenacted to read as follows:

207:14 Importing and Releasing.

I. No person shall import, possess, sell, exhibit, or release any live marine species or wildlife, or the eggs or progeny thereof, without first obtaining a permit from the executive director except as permitted under title XVIII. The executive director shall have the authority to determine the time period and any other conditions governing the issuance of such permit. The executive director may refuse to issue a permit if he determines that such issuance may pose significant disease, genetic, ecological, environmental, health, safety, or welfare risks to persons, marine species or wildlife.

II. The executive director shall adopt rules, pursuant to RSA 541-A, to administer this section and relative to the importation, possession, exhibition, sale or release of all marine species and wildlife, including, but not limited to:

- (a) Size, sex, number and quantity.
- (b) Transportation, within or through the state of New Hampshire.
- (c) Sale, inspection, processing, recordkeeping and marking.
- (d) Method of keeping.
- (e) Areas of release.
- (f) Method of release.
- (g) Method of taking.
- (h) Permit fee schedules.
- (i) Appropriate definitions.

III. The executive director may establish a list of marine species or wildlife or the eggs or progeny of such marine species or wildlife which may be exempted from any or all of the provisions of RSA 207:14.

IV. Except where otherwise provided, any person who violates this section or any rule adopted under this section shall be guilty of a violation and guilty of an additional violation for each marine species or wildlife possessed contrary to the provisions of this section.

4 Aquaculture; Authority to Regulate. RSA 211:62-e, I and II are repealed and reenacted to read as follows:

I. The purpose of this section is to encourage the orderly development of aquaculture in the state, while ensuring that aquaculture operations do not adversely impact upon the state's aquatic and marine resources and do not pose unacceptable disease, ecological, environmental, health, safety or welfare risks to persons, the environment, aquatic species or marine species.

II. In this section:

(a) "Aquatic species" include, but are not limited to, all fish, crustacea, mollusks, invertebrates and aquatic plants which usually inhabit fresh water.

(b) "Aquaculture" means the propagation and rearing of aquatic species and marine species and includes the planting, promoting of growth, harvesting and transporting of these species in, on, or from the waters of this state, or the operation of a fishing preserve.

5 New Paragraph; Aquaculture; Rulemaking. Amend RSA 211:62-e by inserting after paragraph II the following new paragraph:



II-a. The executive director shall adopt rules, pursuant to RSA 541-A relative to the taking, permitting, inspection, possession, processing, sale, propagation, rearing, planting, growth promotion, harvesting, releasing and transportation of aquatic or marine species as related to aquaculture or fishing preserve operations including, but not limited to:

(a) The size, sex, number and quantity that may be taken, processed, or imported.

(b) The areas to be opened or closed to their taking, rearing, harvesting, releasing, planting, and growth promotion.

(c) The method and manner of their taking.

(d) The transportation within or through the state of New Hampshire and its waters.

(e) The sale, inspection, processing, and marking.

(f) Method of keeping.

(g) Method of recapture.

(h) Permit fee schedules.

(i) Appropriate definitions.

6 Section Heading; Reference Changed. The section heading of RSA 211:62-e is repealed and reenacted to read as follows:

211:62-e Aquaculture.

7 Aquaculture; Reference Changed. Amend RSA 211:62-e, III(a) to read as follows:

(a) A person may be granted an [aquiculture] **aquaculture** license by the executive director, under such terms and conditions as he may deem necessary, to release and recapture domestically reared anadromous fish in state waters.

8 Propagation of Wildlife; Authority to Regulate. RSA 212:25 is repealed and reenacted to read as follows:

212:25 License.

I. No person shall propagate or sell, dead or alive, wildlife or the eggs or progeny thereof, or operate a hunting preserve, without first obtaining a permit from the executive director except as permitted under title XVIII. The executive director shall have the authority to determine the time period and any other conditions governing the issuance of such permit. The executive director may refuse to issue a permit if he determines that such issuance may pose significant disease, genetic, ecological, environmental, health, safety, or welfare risks to persons or wildlife.

II. The executive director shall adopt rules, pursuant to RSA 541-A relative to the taking, permitting, inspection, possession, processing, sale, rearing, harvesting, identifying, releasing and transportation of wildlife as related to the propagation or selling of wildlife, or the operation of a hunting preserve, including, but not limited to:

(a) The size, sex, number and quantity possessed, processed or imported.

(b) The areas to be opened or closed to their harvesting, rearing, and releasing.

(c) The method and manner of harvest.

(d) The transportation within or though the state of New Hampshire and its waters.

(e) The sale, inspection, processing, and marking.

(f) Method of keeping.

(g) Method of recapture.

(h) Permit fee schedules.

(i) Appropriate definitions.

9 Propagation License; Fee Reference Removed. Amend RSA 212:26 to read as follows:

212:26 Application; Revocation or Suspension. Such licenses shall be issued by the executive director, in his discretion, upon application [therefor] in writing, and shall be subject to revocation and suspension at any time, in the discretion of the executive director. [The applicant shall pay a fee of \$9.50.]

10 Hunting or Fishing Without Permission of Licensee. Amend RSA 212:32 to read as follows:

212:32 Rights Protected. Any person who shall hunt, capture, take or kill any fish, game or fur-bearing animals from any lands or waters covered by such license, without the permission of the licensee, shall be guilty of a [misdemeanor] violation.

11 Penalty. Amend RSA 212:33 to read as follows:

212:33 Penalty. A licensee who violates any of the provisions of this subdivision or who violates any rule [or regulation made] **adopted** by the executive director governing such private propagation shall forfeit his license and be guilty of a [misdemeanor] violation.

12 Repeal. The following are repealed:

I. RSA 207:14-a to 14-b, relative to the executive director's power to regulate.

II. RSA 207:15, relative to releasing fish and wildlife.

III. RSA 211:62-e, IV, relative to aquiculture licenses.

IV. RSA 469, relative to keeping wild animals and birds.

V. RSA 212:27, 28, 29, 30, 30-b and 30-c relative to propagation of wildlife by private persons.

13 Effective Date. This act shall take effect 30 days after its passage.

**HB 1248**, relative to hunting in the vicinity of permanently occupied buildings. INEXPEDIENT TO LEGISLATE.

Rep. Allen R. Wiggin for Fish and Game: The Committee, after a report of the Subcommittee, agreed that this bill, although well-intentioned, is unnecessary. The Subcommittee also found that there are four RSAs, 206:15, 207:3-A, 164:1 and 644:13, that deal with this problem. The Director of Fish and Game Department also has the authority at this time to close down specific areas for reasons of safety. Vote 16-0.

**HB 1300-FN**, permitting the sale of red deer venison. INEXPEDIENT TO LEGISLATE.

Rep. Robert J. L'Heureux for Fish and Game: The Committee felt that since there was a compatible bill passed by the Senate that also included the sale of elk meat, it would be best to vote Inexpedient to Legislate and wait to act on the Senate bill. Vote 16-0.

**HB 1307-FN**, relative to limiting the requirement for a fish and game propagation license to land of a certain acreage. INEXPEDIENT TO LEGISLATE.

Rep. Ervin R. Lachut for Fish and Game: The Fish and Game Department already has the authority to regulate in this area, and the Committee also has passed House Bill 1183 which comprehensively covers this issue. Vote 14-2.

**HB 1453-FN**, transferring the responsibility of regulating the propagation of deer and sale of venison from the fish and game department to the department of agriculture. OUGHT TO PASS WITH AMENDMENT.

Rep. Allen R. Wiggin for Fish and Game: The amendment is a complete new bill creating a study committee to study existing shellfish waters monitoring and closure

procedures. A public hearing was held last week on the amendment and is endorsed by the committee. The Committee has been aware of the need to study shellfish beds of the state, the procedures and testing of the beds, and the arbitrary nature of the present testing and closure of said beds. Vote 16-0.

5201L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a study committee to review existing shellfish waters monitoring and closure procedures.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established; Duties. There is established a study committee to review existing shellfish waters monitoring and closure procedures and to recommend scientifically sound procedures for the continual monitoring of the shellfish centers of the state. The committee shall also recommend procedures for the closure and enforcement of closure of shellfish beds.

2 Membership. The committee shall consist of the following members all of whom shall be appointed no more than 30 days after the effective date of this act:

- I. Two senate members, appointed by the president of the senate.
- II. Two house members, appointed by the speaker of the house.
- III. The director of the department of fish and game.
- IV. The director of the division of public health services, department of health and human services.
- V. The director of the division of water supply and pollution control, department of environmental services.

VI. The director of the division of parks and recreation, department of resources and economic development.

VII. The coastal commissioner of the department of fish and game.

VIII. Four members of the general public, one of whom shall be a researcher from the university of New Hampshire actively involved in shellfish research and knowledgeable about biological sampling and analysis, appointed by the governor and the executive council.

3 Chair; Meetings. The chair of the committee shall be chosen by the governor from one of the four members of the general public. The first meeting of the committee shall be called by the chair within 60 days of the effective date of this act.

4 Report. The committee shall make a report of its findings and recommendations, including proposed legislation, to the president of the senate, the speaker of the house, the senate wildlife and recreation committee, the house fish and game committee and the governor and executive council no later than November 1, 1992.

5 Access to Records. The committee shall have access to all existing shellfish monitoring records of the divisions of public health services and water supply and pollution control.

6 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill establishes a study committee to review existing shellfish waters monitoring and closure procedures.

**HB 689-FN**, relative to administrative motor vehicle license revocation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard H. Campbell, Jr. for Judiciary: This bill was recommitted last month and revised to accommodate suggestions from the Department of Safety in incorporating language from a model license suspension law. Vote 16-0.

5175L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to implied consent and administrative motor  
vehicle license suspension

Amend the bill by replacing all after the enacting clause with the following:

1 Implied Consent De Novo Appeals Eliminated. Amend RSA 21-P:14, IV(k) to read as follows:

(k) Appeals of driver's license denial, suspension, or revocation, as authorized by RSA [263:75 and] 263:76.

2 New Subparagraph; Rulemaking. Amend RSA 21-P:14, IV by inserting after subparagraph (p) the following new subparagraph:

(q) Administrative suspension of motor vehicle licenses pursuant to RSA 265:91-a - 265:91-c, including notices, forms, temporary driving permits, hearing procedures, and procedures for restoration after the suspension period.

3 Reinstatement Fee Increased. Amend RSA 263:42, V to read as follows:

V. Whenever a driver's license has been suspended or revoked or the holder of a commercial driver license has been disqualified for a period of greater than 15 days, a fee of [\$40] **\$50** shall be paid by the licensee for the restoration of such license or commercial driver license. Under certain conditions the commissioner may waive the restoration fee for a default or suspension. The commissioner shall adopt rules, under RSA 541-A, relative to such waiver procedures.

4 Implied Consent; De Novo Appeals Removed. Amend RSA 263:96, VI to read as follows:

VI. The driver shall have the opportunity for a hearing and appeal as provided in [RSA 263:74 and 263:75] **RSA 263:76 and RSA 265:91-b.**

5 Alcohol Concentration Tests Added. Amend RSA 265:84 to read as follows:

265:84 Implied Consent of Driver of Motor Vehicle to Submit to Testing to Determine Alcohol Concentration. Any person who drives a vehicle upon the ways of this state shall be deemed to have given consent to **physical tests and examinations for the purpose of determining whether he is under the influence of intoxicating liquors or controlled drugs, and** to a chemical, infrared molecular absorption or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath, for the purpose of determining the controlled drug content of his blood or his alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.10 or more. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.10 or more. A copy of



the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the [law enforcement officer] **certified breath testing operator** conducting the test.

6 Blood Alcohol Concentration Lowered. Amend RSA 265:89 to read as follows:

265:89 Evidence. Upon complaint, information, indictment or trial of any person charged with the violation of RSA 265:82 or 265:82-a, the court may admit evidence of the defendant's alcohol concentration, as shown by a test of his breath, blood, or urine as provided in RSA 265:84. Evidence that there was, at the time alleged, an alcohol concentration of [0.05] **0.03** or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than [0.05] **0.03** and less than 0.10 is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor; but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of 0.10 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. In addition, evidence that there was, at the time alleged, an alcohol concentration of 0.10 or more shall, in conjunction with the evidence otherwise required by RSA 265:82, I(b) of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265:82, I(b); and evidence that there was, at the time alleged, an alcohol concentration of 0.10 or more shall, in conjunction with the evidence otherwise required by RSA 265:82-a, II of driving or attempting to drive a vehicle upon a way and of one or more of the circumstances specified in RSA 265:82-a, II (a), (b) and (c), constitute a separate offense under RSA 265:82-a, II; and evidence that there was, at the time alleged, an alcohol concentration of 0.20 or more shall, in conjunction with the evidence otherwise required by RSA 265:82-a, III of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265:82-a, III.

7 New Subdivision; Administrative Suspension of Motor Vehicle Licenses. Amend RSA 265 by inserting after section 91 the following new subdivision:

Administrative Suspension of Motor Vehicle Licenses

265:91-a Administrative License Suspension.

I. If any person refuses a test as provided in RSA 265:92 or submits to a test described in RSA 265:84 which discloses an alcohol concentration of 0.10 or more or in the case of a person under the age of 21, 0.04 or more, the law enforcement officer shall submit a sworn report to the department. In the report the officer shall certify that the test was requested pursuant to RSA 265:84 and that the person refused to submit to testing or submitted to a test which disclosed an alcohol concentration of 0.10 or more, or in the case of a person under the age of 21, 0.04 or more.

II. Upon receipt of the sworn report of a law enforcement officer submitted under paragraph I, the department shall suspend the person's driver's license or privilege to drive as follows:

(a) In the case of a refusal to take a test described in RSA 265:84, the suspension shall be for the period specified in RSA 265:92.

(b) In the case of a person who submits to a test described in RSA 265:84 which discloses an alcohol concentration of 0.10 or more or, in the case of a person under the age of 21, 0.04 or more, the suspension shall be for:

(1) Six months if there is no prior refusal under RSA 265:92, no prior driving while intoxicated or aggravated driving while intoxicated convictions, and no prior administrative license suspension pursuant to RSA 265:91-a.

(2) Two years if there is a prior refusal under RSA 265:92, or a prior driving while intoxicated or aggravated driving while intoxicated conviction, or a prior administrative suspension pursuant to RSA 265:91-a.

III. On behalf of the department, the law enforcement officer submitting the sworn report under paragraph I shall serve immediate notice of suspension on the person, and the suspension shall be effective 30 days after the date of service. If the person has a valid New Hampshire driver's license, an officer shall take the driver's license of the person, and issue a temporary license valid for the notice period. The officer shall send the license to the department along with the sworn report under paragraph I.

IV. If the person submits to a test described in RSA 265:84 and the results of the test are not immediately available and therefore no notice has been served by the law enforcement officer the department shall mail such notice and the suspension shall be effective 30 days after the date of service. If the address shown in the law enforcement officer's report differs from that shown on the department records, the notice shall be mailed to both addresses. The notice shall be presumed to have been served 3 days after mailing. Upon receipt of the notice of suspension and before requesting any review or hearing under RSA 265:91-b, if the person has a New Hampshire driver's license that has not been surrendered, the person shall surrender his license at a place designated by the department and shall be issued a temporary driving permit valid for the notice period.

V. In the case of a person who has a driver's license from another jurisdiction, all provisions of this subdivision shall apply except that surrender of the out-of-state driver's license and issuance of a temporary driving permit shall not be required. The department shall transmit a copy of the suspension order to the motor vehicle authorities in the jurisdiction where the person's license was issued, and also in the jurisdiction of the person's residence if different from that where the license was issued.

#### 265:91-b Administrative Review and Hearings.

I.(a) Any person whose license is suspended or revoked under this subdivision or RSA 263:96 may request either an administrative review or a hearing. The request shall be in writing and shall state the grounds upon which the persons seeks to have the order of suspension or revocation rescinded, which grounds shall be limited to those provided in paragraph II. The filing of the request shall not stay the suspension or revocation. A request for either administrative review or hearing received by the department after 30 days from the date the notice is issued shall be denied as untimely.

(b) If the request is for an administrative review, the request may be accompanied by any statement or other evidence which the person wants the department to consider. Upon receiving the request the department shall review the order, the evidence upon which it is based, including whether the person was driving or in actual physical control of a motor vehicle, and any other information brought to the attention of the department, and shall determine whether sufficient cause exists to sustain the order.

(c) If the request is for a hearing, the request shall also indicate whether or not the person desires to have the law enforcement officer present. The hearing shall be held within 20 days after the filing of the request unless the person requests a continuance. A request for a continuance by the person shall not stay the order of suspension or revocation. The hearing shall be recorded, and be conducted by the department's designated agent. The hearing may be conducted upon a review of the law enforcement officer's report if there is no request to have the officer present. If there is a request that the law enforcement officer be present at the hearing and the officer fails to appear without good cause shown, the case shall be dismissed and the order rescinded. If the person requesting the hearing fails to appear without good cause shown, the right to a hearing shall be waived and the order sustained.

II. The scope of the administrative review or hearing shall be limited to the issues of:

(a) Whether the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor, narcotics or drugs;

(b) The facts upon which the reasonable grounds to believe such are based;

(c) Whether the person had been arrested;

(d) Whether the person has refused to submit to the test upon the request of the law enforcement officer or whether a properly administered test or tests disclosed an alcohol concentration of 0.10 or more, or in the case of a person under 21 years of age, 0.04 or more;

(e) Whether the officer informed the arrested person of his right to have a similar test or tests conducted by a person of his own choosing; and

(f) Whether the officer informed the arrested person of the fact that refusal to permit the test would result in suspension of his license or driving privilege and that testing above the alcohol concentration level specified in RSA 265:91-a would also result in suspension.

III. In the case of either an administrative review or a hearing, the hearing officer shall issue his ruling on the order of suspension or revocation within 15 days of the request for administrative review or the hearing date. The ruling shall be in writing and a copy shall be provided to the parties. The ruling shall be final unless an appeal is filed under RSA 265:91-d.

265:91-c Period of License Suspension. Where a license or driving privilege has been suspended under RSA 265:91-a and the person is also convicted on criminal charges arising out of the same event both the suspension and the court ordered revocation shall be imposed but the total period of suspension and revocation shall not exceed the longer of the 2 periods; provided, however, that any suspension for refusing to submit to a test under the provisions of RSA 265:92 shall not run concurrently with any other penalty imposed under the provisions of this title.

265:91-d Appeal. Any person aggrieved by a decision of the department under this section, after the administrative review or hearing, may appeal the decision as provided in RSA 263:76. Notwithstanding any provision of RSA 263:76 to the contrary, such appeal shall be to the Merrimack County superior court.

8 Reference Change. Amend RSA 265:92, I(a)(1) to read as follows:

(1) The director shall [revoke] **suspend** his license to drive or nonresident driving privilege for a period of 180 days; or

9 Reference Change. Amend RSA 265:92, I(b)(1) to read as follows:



(1) The director shall [revoke] **suspend** his license to drive or nonresident driving privilege for a period of 2 years; or

10 Concurrent Penalty Prohibited. RSA 265:92, II is repealed and reenacted to read as follows:

II. The 180-day or 2 year suspension period or denial of issuance period imposed pursuant to this section shall not run concurrently with any other penalty imposed under the provision of this title. Any such suspension or denial of a license or privilege to drive shall be imposed in addition to any other penalty provided by law, subject to review as provided in RSA 265:91-b.

11 Implementation; Funding. Notwithstanding the effective date of this act, if adequate funds are not appropriated or otherwise made available for its full implementation, the commissioner of the department of safety may delay implementation of the provisions for point-of-arrest seizure of license and issuance of temporary permit, or the provisions for administrative license suspension when the person has submitted to testing or may implement such procedures on a pilot basis in limited areas within the state. The commission is authorized to request from the fiscal committee such high-ways funds as are necessary to implement the provision of this act, but shall first make every effort to obtain any available federal funds.

12 Repeal. The following are repealed:

I. RSA 263:74, relative to administrative review.

II. RSA 263:75, relative to appeal from an implied consent revocation.

13 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill provides for the implied consent of any person who drives a vehicle in this state to physical tests and examinations by a certified breath testing official.

This bill also establishes a procedure for administrative license suspension if a person refuses to submit to a test to determine alcohol concentration or fails such test.

This bill lowers the alcohol concentration percentage that establishes prima facie evidence that a person was not under the influence of an intoxicating liquor.

This bill also increases the driver's license reinstatement fee.

**HB 1109**, relative to criminal threatening. **INEXPEDIENT TO LEGISLATE**

Rep. David D. Hultgren for Judiciary: The Committee feels that the reasons expressed during the public hearing do not warrant a change in our criminal code. Vote 14-0.

**HB 1112**, providing that penalty assessments not be counted in determining whether total fines and penalties exceed \$500. **INEXPEDIENT TO LEGISLATE**.

Rep. Donnalee M. Lozeau for Judiciary: The penalty assessments addressed in this bill are also addressed in HB 1128 which is the bill dealing with Class A or B misdemeanors. Therefore, this bill became unnecessary. Vote 13-0.

**HB 1123**, preventing attorney participation in small claims actions. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Alf E. Jacobson for Judiciary: This bill provides a necessary corrective to the State v. Settle (1987) and Knox Leasing v. Turner (1989) which forbids single owner corporations and other forms of business other than single order proprietors from appearing pro se because of the interpretation of RSA 311:1. This bill permits corporations of five or less members, and partnerships and trusts with five members or less to appear without a licensed attorney in small claims or claims of general jurisdictions in district court. Vote 17-0.



5206L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing procedures for representation in small claims court and  
authorizing persons to appear for corporations, partnerships,  
and trusts in district court.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Representation by Attorneys; Small Claims Actions. Amend RSA 503 by inserting after section 2 the following new section:

503:2-a Representation by Attorneys.

I. Any attorney appearing in a small claims action on behalf of a party shall file an appearance with the court and shall provide copies of that appearance to all opposing parties at least 2 days prior to the hearing date.

II. The court shall give notice of the requirement to file an appearance under paragraph I to all parties in small claims actions.

III. Any party which fails to receive timely notice under paragraph II may request a continuance, which the court shall ordinarily grant.

2 New Paragraph; Representation of Certain Corporations, Partnerships and Trusts in District Court. Amend RSA 502-A:14 by inserting after paragraph III the following new paragraph:

IV. Representation of Certain Corporations, Partnerships, and Trusts.

(a) To the extent not inconsistent with court rules, corporations, partnerships, and trusts may be represented in any civil matter before a district or municipal court as follows:

(1) A corporation with no more than 5 shareholders may be represented by any shareholder, officer or employee with the written authorization of all shareholders.

(2) A partnership with no more than 5 partners may be represented by any partner or employee with the written authorization of all general partners.

(3) A trust with no more than 5 beneficiaries may be represented by any trustee or employee with the written authorization of all trustees.

(b) The requirement for written authorization in subparagraph IV(a) shall be met by a document authorizing the representation by a particular individual in a particular matter and acknowledging that the corporation, partnership, or trust shall be bound by any agreement entered into by such individual or any order of the court in the matter. Any such written authorization shall be presented to the court under oath by the representative.

(c) Nothing in this paragraph shall prevent the court from denying representation by any individual it deems to be improper, inappropriate or unable to adequately represent the interests of the corporation, partnership, or trust.

3 Effective Date. This act shall take effect January 1, 1993.

**AMENDED ANALYSIS**

This bill requires any attorney appearing on behalf of a party in a small claims action to file an appearance with the court and provide copies of that appearance to all opposing parties at least 2 days prior to the hearing date.

The bill also sets out certain requirements for persons representing corporations, partnerships and trusts of limited size in district courts.

**HB 1200-FN**, relative to blood alcohol tests and enrollment in substance abuse programs in domestic violence cases. **INEXPEDIENT TO LEGISLATE.**

Peter Hoe Burling for Judiciary: The committee feels that the establishment of another group to review the impact of drugs and alcohol would be duplicative. The House and Senate Rape Committee will be looking at domestic violence for the next two years, and there is a considerable volume of material relative to this subject in the written works of various scholars. Vote 13-0.

**HB 1217-L**, requiring a peace officer to give written notice of certain charges to the county attorney. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David D. Hultgren for Judiciary: This bill would require peace officers to give written notice of certain charges to the county attorney. Vote 16-0.

5236L

#### **Amendment**

Amend RSA 594:10-a as inserted by section 1 of the bill by replacing it with the following:

594:10-a Notice of Arrest. A peace officer making an arrest on complaints for felony, misdemeanor, or violation charges arising from the same facts or circumstances shall within 24 hours, excluding weekends and holidays or before a plea is accepted or entered in court, give notice in writing of all charges pending to the county attorney. Failure to provide such notice shall not affect the validity of the arrest or the prosecution of any charges arising from the arrests.

#### **AMENDED ANALYSIS**

This bill requires peace officers to give written notice to the county attorney of charges pending in cases where a person has been arrested on misdemeanor, felony, or violation charges.

**HB 1310**, relative to civil and criminal liability for bad checks. **INEXPEDIENT TO LEGISLATE.**

Rep. Donnalee M. Lozeau for Judiciary: It is the belief of the committee that the current criminal statute 638:4 and the civil statute 544-B1 and 544-A are more than adequate in addressing the issue of bad checks. Bad checks create a risk that merchants should be aware of prior to making a decision on whether or not they will accept checks. Vote 14-0.

**HB 1353**, relative to civil recovery of damages for shoplifting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donnalee M. Lozeau for Judiciary: This bill allows a standard form to be used by merchants statewide in settlements for shoplifting. It does not prevent criminal charges from being brought by the state. It is a clear and sincere attempt to alleviate the dilemmas faced by the courts and merchants relative to shoplifting. Vote 15-0.

5134L

#### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes that the crime of shoplifting results in the loss of a great deal of money to merchants each year and requires merchants to spend further large amounts of money on security to protect their products. These losses to merchants are partially compensated for in the pricing of merchandise but essentially must be paid for by merchants out of their profits. The general court finds that it is in

the interest of the state to allow civil damages for the purposes of deterring the crime of shoplifting and to allow compensation to merchants.

2 New Chapter; Civil Damages for Shoplifting. Amend RSA by inserting after chapter 544-B the following new chapter:

CHAPTER 544-C  
CIVIL DAMAGES FOR SHOPLIFTING

544-C:1 Recovery of Civil Damages for Shoplifting.

I. For purposes of this chapter, "shoplifting" shall mean shoplifting or willful concealment as defined in RSA 644:17.

II. A person who shoplifts shall be liable for civil damages to the merchant in the amount of \$200 plus the merchandise or the value of the merchandise if it has been damaged or rendered unrecoverable.

III. A merchant may recover civil damages for shoplifting by bringing suit in a district court or by executing a settlement agreement in the form set out in paragraph IV of this section.

IV. A merchant and a person accused of shoplifting by such merchant may agree to execute a civil settlement agreement for \$200 in civil damages, plus the return of the merchandise or the replacement value of the merchandise. The form of the settlement agreement shall be as follows:

Settlement of Claim for Taking Merchandise  
Without Payment

The undersigned, \_\_\_\_\_, having failed to pay for certain merchandise, more specifically described as follows \_\_\_\_\_, hereby agrees to pay civil damages in the amount of \$200, plus the merchandise or the replacement value of the merchandise. The parties agree that this payment shall constitute full and complete payment of damages to the following establishment \_\_\_\_\_. The following establishment \_\_\_\_\_ agrees to waive any and all claims it may have for civil damages.

Nothing in this agreement shall constitute an admission of guilt for purposes of criminal law. If this agreement is signed and payment is made in full, no police report or criminal complaint will be filed by the merchant relative to this incident. However, nothing in this agreement can or will bar the state of New Hampshire from instituting such criminal prosecutions as it deems necessary.

\_\_\_\_\_  
Party #1

\_\_\_\_\_  
Party #2 for the following  
establishment:

544-C:2 Penalty for Abuse of Agreement Provisions. Any person who knowingly uses the provisions for agreement under RSA 544-C:1 to extort money from one not legally obligated to pay the same by threatening criminal prosecution or other means shall be guilty of a misdemeanor.

3 Reference Change; Civil Actions for Theft. Amend RSA 507:8-f to read as follows:

507:8-f Civil Actions for Theft. When the conduct of a person would constitute willful concealment or shoplifting as provided in RSA 644:17, the person shall be

liable to the merchant for damages as provided in RSA [644:17-a] **544-C:1**. An action for recovery of damages, pursuant to this section, may be brought in small claims court if the total damages do not exceed the jurisdictional limit of such court, or in any other appropriate court. The provisions of this section are in addition to other civil remedies and shall not limit the rights of merchants or other persons to elect to pursue other civil remedies.

4 Repeal. RSA 644:17-a, relative to civil damages for willful concealment and shoplifting, is repealed.

5 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill allows a person accused of shoplifting by a merchant and the merchant to settle all claims for civil damages by a written agreement in which the person agrees to pay the merchant \$200 and return the merchandise or pay the replacement value of the merchandise. In the agreement, the merchant states he will not file a police report or criminal complaint based on the shoplifting incident. The agreement, however, does not bar the state from instituting a criminal prosecution.

**HB 1364**, prohibiting any state official or public official of any political subdivision from releasing the name of a person arrested for driving while intoxicated unless such person is convicted of the offense. **INEXPEDIENT TO LEGISLATE**.

Rep. Elizabeth D. Lown for Judiciary: The Committee is concerned about the journalistic responsibility to retract charges against individuals who are found innocent of a crime but this bill would single out one class of crime - DWI - and allow only that class to be exempt from the Freedom of Information Act. Vote 17-0.

**HB 1403**, limiting the authority of governor and council to approve out-of-court settlements for claims against the state and requiring the approval of governor and council for certain judgments against the state. **INEXPEDIENT TO LEGISLATE**.

Rep. Barbara J. Baldizar for Judiciary: This bill would establish a procedure that would delay the judicial process even more. For example, it could take a year or more to approve a settlement which then would have to be approved by the Legislature. This only makes a difficult situation worse. The committee agreed unanimously on this vote. Vote 17-0.

**HB 1433**, prohibiting the wearing of certain masks and hoods. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee M. Lozeau for Judiciary: This bill was meant to add a new section to the criminal code section "breaches of the peace and related offenses." While the sponsor believed this legislation was necessary, the Committee felt that current law allowed sufficient punishment for the crimes committed and that the added penalties under RSA 651:6-g (extended terms for hate crimes) allows for significant penalties for these hateful crimes. Vote 13-0.

**HB 1462-FN**, accelerating parole eligibility prior to the expiration of minimum sentencing based on credits for good conduct, removing the requirement of a 150-day disciplinary period and establishing a performance and behavioral agreement parole requirement. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Donnalee M. Lozeau for Judiciary: While many of us have faith in the "Truth in Sentencing Laws", concerns were raised relative to the automatic addition of "bad days" at 150 days per year of sentencing. The intent behind truth in sentencing has



been carried out, but some of the foreseen results have not occurred. We believe it is necessary to address some of the current issues raised. Therefore, we voted for a statutory study committee with a deadline of November 1, 1992. Vote 14-1.

5234L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a committee to examine all aspects of parole eligibility.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established; Duties. There is established a committee to examine all aspects of parole eligibility, including but not limited to, truth in sentencing and good conduct credits.

2 Membership. The committee shall consist of the following members all of whom shall be appointed no more than 60 days after the effective date of this act:

I. Two senate members from the senate judiciary committee, appointed by the president of the senate.

II. Two house members from the house judiciary committee, appointed by the speaker of the house.

III. The director of the office of victim/witness assistance, or designee.

IV. The chairperson of the adult parole board, or designee.

V. An attorney representing the New Hampshire public defender's office, appointed by the office.

VI. A superior court justice, appointed by the chief justice of the supreme court.

VII. A county attorney, appointed by the New Hampshire Association of Counties.

VIII. The commissioner of the department of corrections, or designee.

IX. The warden of the department of corrections, or designee.

3 Mileage. Members of the task force shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the committee.

4 Membership; Chair; Meetings. The first meeting of the committee shall be called by the representative from the house judiciary committee. The members shall choose the chairman at the first meeting.

5 Report. The committee shall submit a report of its findings and recommendations, including proposed legislation, to the speaker of the house, the senate president and the governor no later than November 1, 1992.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to examine all aspects of parole eligibility.

**HB 1498-FN**, relative to drug forfeiture. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donnalee M. Lozeau for Judiciary: This is the bill promised when the committee dealt with HB 693. The committee believes that this bill allows for automatic stays in drug forfeiture. It also sets out the need for proportionality. The committee felt that this was very reasonable. We urge members to take notice of the amendment printed in the calendar. Vote 13-2.

5169L

**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraphs; Limitation on Judicial Drug Forfeiture. Amend RSA 318-B:17-b, III by inserting after subparagraph (b) the following new subparagraphs:

(c) No interest in property, whether real or personal, shall be subject to forfeiture unless the effect of that forfeiture is both just and proportionate to the seriousness of the chargeable felonious offense. In determining proportionality, the finder of fact shall consider such things as the quantity and value of the controlled drugs related to the property, the manner and circumstances of the chargeable felonious offense, the impact of the forfeiture on the person or persons having an interest in the said property, and the impact of the forfeiture on the family, dependants and community connected to the property.

(d) Any proceeding for forfeiture shall be automatically stayed pending the final resolution of any criminal proceedings brought against a party under this chapter and arising from the transaction which gave rise to the forfeiture. The court may waive such stay upon the request of all parties to the forfeiture proceeding, or if the person having an ownership interest in property subject to forfeiture escapes from the jurisdiction of the court, or if the court finds that a delay in forfeiture proceedings is likely to result in the property being:

- (1) Transferred to, sold to or deposited with a third party;
- (2) Placed beyond the jurisdiction of the court; or
- (3) Substantially diminished in value.

If a person having such an ownership interest is found not guilty of the chargeable offense, the fact of that verdict shall be admissible as evidence in any related forfeiture proceeding.

2 New Paragraph; Limitation on Administrative Forfeiture. Amend RSA 318-B:17-d by inserting after paragraph I the following new paragraph:

I-a.(a) No interest in property, whether real or personal, shall be subject to forfeiture unless the effect of that forfeiture is both just and proportionate to the seriousness of the chargeable felonious offense. In determining proportionality, the finder of fact shall consider such things as the quantity and value of the controlled drugs related to the property, the manner and circumstances of the chargeable felonious offense, the impact of the forfeiture on the person or persons having an interest in the said property, and the impact of the forfeiture on the family, dependants and community connected to the property.

(b) Any proceeding for forfeiture shall be automatically stayed pending the final resolution of any criminal proceedings brought against a party under this chapter and arising from the transaction which gave rise to the forfeiture. The court may waive such stay upon the request of all parties to the forfeiture proceeding, or if the person having an ownership interest in property subject to forfeiture escapes from the jurisdiction of the court, or if the court finds that a delay in forfeiture proceedings is likely to result in the property being:

- (1) Transferred to, sold to or deposited with a third party;
- (2) Placed beyond the jurisdiction of the court; or
- (3) Substantially diminished in value.

If a person having such an ownership interest is found not guilty of the chargeable offense, the fact of that verdict shall be admissible as evidence in any related forfeiture proceeding.

3 New Section; Forfeiture Report. Amend RSA 318-B by inserting after section 17-d the following new section:

318-B:17-e Forfeiture Reports. The attorney general shall biennially submit a report to the governor, senate president and speaker of the house relative to the seizure of any items or property interests under RSA 318-B:17-b and 318-B:17-d. Such report shall include:

I. A full and complete description of any items or property interests seized including the property's location and value.

II. The name and address of each person having an equitable interest in the property.

III. Findings of fact relative to the proportionality of the property seized as determined under RSA 318-B:17-b, III(c) and RSA 318-B:17-d, I-a.

4 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill requires that judicial and administrative drug forfeitures be just and proportionate to the seriousness of the chargeable felonious assault. Any procedure for forfeiture shall be automatically stayed pending the final resolution of any criminal proceedings brought against a party under the controlled drug act and arising from the transaction which gave rise to the forfeiture.

This bill also requires the attorney general to submit reports to the governor, speaker of the house, and president of the senate relative to forfeitures.

**HB 1384**, relative to the right of firefighters and police officers to recover for workers' compensation injuries caused by the negligence of others. REFER FOR INTERIM STUDY.

Rep. Carl R. Johnson for Labor, Industrial and Rehabilitative Services: The bill was heard by a joint committee between members of the Judiciary Committee and Labor, Industrial and Rehabilitative Services Committee. The Subcommittee met three times and felt that after listening to questions being raised on both sides of the issue of firefighters and police officers recovering from injuries and damages while on duty outside of the workers' compensation system, a fuller study was merited and the bill was amended to allow the formation of a committee to fully explore the ramifications of such third party suits. Vote 13-0.

**HB 1298**, allowing any public utility, municipal fire or police department, or independent emergency service, to record incoming and outgoing central dispatch and emergency telephone calls. OUGHT TO PASS WITH AMENDMENT.

Rep. Karen K. McRae for Science Technology and Energy: HB 1298 as amended clarifies the current statutes with regard to wiretap as they apply to fire, police or emergency service. Vote 11-1.

5186L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

allowing any municipal fire or police department, or independent emergency service, to record incoming and outgoing central dispatch and emergency telephone calls.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of "Electronic, Mechanical, or Other Device" Changed. Amend RSA 570-A:1, IV (a) to read as follows:

(a) Any telephone or telegraph instrument, equipment, facility or any component thereof:

(1) Furnished to the subscriber or user by a communication carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business; [in accordance with applicable provisions of telephone and telegraph company rules and regulations, as approved by the public utilities commission;

(2) Purchased, rented or used by the subscriber or user;] or

[(3)] (2) **One** being used by a communication common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties **pursuant to this chapter**;

2 New Subparagraph; Recording Calls. Amend RSA 570-A:2, II by inserting after subparagraph (g) the following new subparagraph:

(h) Any municipal fire or police department or any independently owned emergency service, and their employees in the course of their employment, when receiving or responding to emergency calls, to intercept, record, disclose or use a wire communication, while engaged in any activity which is a necessary incident to the rendition of service or the protection of life or property.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows a municipal fire or police department, or independent emergency service, and its employees in the course of their employment to record any incoming or outgoing central dispatch and emergency service calls when engaged in any activity which is a necessary rendition of service or is for the protection of life and property.

The bill also makes a technical correction in the definition of "electronic, mechanical, or other device."

**HCR 20**, urging the federal government to establish a post office in the town of Lee. **OUGHT TO PASS.**

Rep. Dennis H. Fields for State-Federal Relations: The committee felt that due to the inconvenience to the citizens of the town of Lee and three (3) other towns in travelling to Durham for normal postal services a terrible burden results. This, combined with a significant population growth, has resulted in strong local support for their own post office in the town of Lee. Vote 10-0.

**HCR 26**, urging the New Hampshire legislature and the New Hampshire Congressional delegation to discourage certain Air Force testing of F-16 fighter aircraft in New Hampshire airspace. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol H. Holden for State-Federal Relations: This resolution urges the New Hampshire Congressional delegation be respectfully urged to work with the United States Air Force to define a full range of alternatives for the special use of air space in the military operation area which includes New Hampshire. The military proposes to nearly double the area for training and lower the ceiling for its jets to 100 feet above the ground. Our Congressional delegation has indicated that it would welcome the



resolution and that they will work with the military on a plan that will have the approval of the Lakes Region and the North Country. Vote 10-1.

5153L

#### **Amendment**

Amend HCR 26 by replacing all after the resolving clause with the following:

That the New Hampshire House of Representatives and the New Hampshire Senate oppose the changes that are proposed in the Yankee Two Military Operations Area to accommodate F-16 training exercises, and that the New Hampshire Congressional delegation be respectfully urged to work with the United States Air Force to define a full range of alternatives for the special use of airspace in the Military Operations Area which includes New Hampshire; and

That copies of this resolution signed by the speaker of the house and the president of the senate, be transmitted to each member of the New Hampshire Congressional delegation.

**HCR 28**, urging the federal government to restore full funding for prescription drugs for veterans with service-related disabilities. **OUGHT TO PASS.**

Rep. Lawrence J. Guay for State-Federal Relations: HCR 28 urges the Congress of the United States to eliminate federal laws and regulation which require certain veterans with service-related disabilities to share in the cost for prescription drugs and to enact legislation to restore full funding for prescription drugs for veterans with service-related disabilities. The committee feels that we should protect those that protected us by active duty in the military consequently suffering injuries. Vote 10-0.

**HB 1499-FN**, relative to inter-track wagering and the conduct of simulcast racing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert N. Kelley for Regulated Revenues: The bill removes the requirement that one live race must be held when a track is not operating a regular live racing program but is simulcasting instead. This bill sets forth the operating conditions that will prevail as a result of the agreed upon "circuit" between Suffolk Downs et al and Rockingham et al. New Hampshire will have the summer dates, including Memorial Day, Father's Day, 4th of July, and Labor Day - some 180 days of live racing. This bill insures that municipalities that host New Hampshire tracks will be paid daily fees due under RSA 284:23, IV, (a) and (b). The amendment provides that in the event of no running horse racing in other New England states, the aggregate number of days that a New Hampshire licensee conducts live racing shall exceed the aggregate number of days that the licensee conducts simulcasts only. The Committee felt that this would earn more money for the state as well as permit the tracks to fully utilize their facilities. Much input into the final crafting of this legislation occurred in an effort to make a bill that would be a credit to this House. Vote 14-0.

5125L

#### **Amendment**

Amend the bill by replacing all after section 4 with the following:

5 Live Racing. RSA 284:22-a, II(b) is repealed and reenacted to read as follows:

(b) In the event that, for the period of any 2 consecutive calendar years after the effective date of this section, no person, corporation or association is licensed to conduct live running horse racing or a live running horse race meet in any of the New England states, other than New Hampshire, then in each calendar year thereafter, and provided that there is no live running horse racing or a live running horse race meet in

any New England state, other than New Hampshire during any part of such calendar year, the aggregate number of days on which the licensee conducts live racing in each calendar year shall exceed the aggregate number of days on which the licensee simulcasts only. Such licensee shall also comply with all provisions of RSA 284:22-a, II(a). For the purposes of this section only, live running horse racing or a live running horse race meet in any of the New England states, other than New Hampshire, shall not include live running horse racing or a live running horse race meet conducted by any person, corporation or association solely in conjunction with a state, county or local fair for a period of 15 calendar days or less, in a calendar year.

6 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill changes when a licensee may sell pari-mutuel pools on simulcast races held at racetracks other than the racetrack at which the licensee conducts its race meet.

This bill removes the requirement under current law that the aggregate number of live races at a racetrack must exceed the aggregate number of races simulcast at that track. This bill allows simulcasting if a licensee has scheduled at least 100 days of live racing in the year or, if fewer than 100 days are scheduled, the licensee conducts live racing on the day of the simulcast. If a licensee has scheduled fewer than 100 days of live racing in the year, the licensee may conduct simulcasting if the live racing is cancelled due to weather or unsafe conditions at the racetrack, provided that no more than 10 such cancellations are allowed in a year.

The bill makes the local fee payment applicable in all possible racing combinations, i.e., live racing only, simulcast racing only, or a combination of live and simulcast racing.

This bill requires the aggregate number of days on which the licensee conducts live racing in each calendar year to exceed the aggregate number of days on which the licensee simulcasts only. This applies only in the event that no live running horse races are scheduled in any New England state for 2 consecutive years.

**HB 1056-FN-A**, relative to a business tax and making an appropriation therefor. INEXPEDIENT TO LEGISLATE.

Rep. Barbara E. Arnold for Ways and Means: The sponsor withdrew the bill as the need was not there due to the supplemental medicaid tax passed by the General Court in November 1991. Vote 14-0.

**HB 1059-FN**, relative to the payment schedule for the medicaid enhancement tax. INEXPEDIENT TO LEGISLATE.

Rep. Robert C. Hayes for Ways and Means: The original bill, which was sponsored for the Governor, was rendered moot by the supplemental medicaid tax passed by the General Court in November 1991. An amendment proposed by Division 3 of Appropriations would have required extensive quarterly reports from hospitals receiving medicaid disproportionate share funds. Based upon assurances by Commissioner Bird, Health and Human Services, that he would issue regulations in a timely manner to provide for both fund accountability and timely information for state budgeting, the Committee voted both the amendment and the bill Inexpedient to Legislate. Vote 14-0.

**REGULAR CALENDAR**

**HB 1225-FN-L**, to exempt all political subdivisions of the state from the payment of certain fees imposed by the department of environmental services. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles L. Vaughn for Appropriations: There is some virtue in this bill. Nonetheless, DES was encouraged in past sessions to be self-funding with minimal dependence on general revenues. If passed, the bill would reduce two DES PAU's — dam maintenance and permitting — amounting to \$74,247. Further, additional services provided by DES such as workshops, outreach to towns on solid waste, water treatment planning and like services provided to municipalities would of necessity end. Vote 15-3.

Adopted.

**HB 1414-FN-A**, relative to the medicaid plan to enhance the funding of services for children and families and making an appropriation therefor. (A) **OUGHT TO PASS.**

Rep. Pamela B. Bean for Appropriations: This bill directs the Department of Health and Human Services to develop and refine the state medicaid plan designed to enhance the funding of services for children and families. This plan could bring in many more federal dollars to the Department. The \$50,000 required to pay for this will be deducted from budget lines within the Department. Vote 19-0.

Adopted.

Ordered to third reading.

**HB 1496-FN-L**, relative to the funding methodology of the retirement system. (A) **OUGHT TO PASS.**

Rep. Elizabeth Hager for Appropriations: The committee confirmed that the amount of money currently in the budget is the correct amount to fund the bill as written. The bill has no further fiscal impact in the current biennium. Vote 16-3.

Adopted.

Ordered to third reading.

**HB 1485**, requiring the division for children and youth services to use reasonable efforts to preserve families while providing services designed to protect children. **OUGHT TO PASS WITH AMENDMENT.**

Reps. William F. McCain and Ellen-Ann Robinson for Children, Youth and Juvenile Justice: House Bill 1485 addresses two specific initiatives which will enhance the laws governing the services provided to children and families by the Division for Children and Youth Services. The "reasonable efforts" portion relating to the abuse and neglect laws (RSA 169-C and RSA 170-G) addresses the level of service and effort that must be provided by DCYS in its response to situations of children who are abused. Reasonable efforts must be provided to prevent removal of the child from the family or reunify the family after removal, or efforts are required to promote permanent placement if the original conditions which caused removal cannot be corrected. The changes are outlined in the definition section RSA 169-C:2 and in the case plan requirements (RSA 169-C:21,II). A monitoring committee is established to oversee and report on the enactment of this law and development of new reports and services required by the law. The monitoring committee also will be utilized for two years in the monitoring and review of the new CHINS procedures established in RSA 169-G pilot program. The "Chins" portion (RSA 169-G) provides for a new version of the "Chins" law. This new statute institutes a pilot program in Merrimack County for the next two years. The pilot program will test the key elements added to the current

process. These elements are: 1) County intake functions funded by the state. 2) Voluntary Family Service plans which act as a family buffer and helps avoid the confrontational aspects of a court hearing. 3) Expanded latitude for the judiciary to order more appropriate alternative services (i.e. mental health service) when the child is not clearly a defined "CHIN." 4) A system which fosters family participation and maintenance at a local level, but utilizing the power of state funding when special services are found to be necessary in the voluntary mode (even in an emergency). The monitoring committee will continually review (at least quarterly) the implementation and will conduct a minimum of one public hearing prior to submitting either a resolution of continued implementation or of repeal prior to October 1, 1993. Vote 13-4.

5162L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to children and family services, requiring the division for  
children and youth services to use reasonable efforts to  
preserve families while providing services  
designed to protect children.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition of "Reasonable Efforts" Added. Amend RSA 169-C:3 by inserting after paragraph XXV the following new paragraph:

XXV-a. "Reasonable efforts" means that in the context of the specific case before the court, a child-placing agency has acted with diligence and due care in the performance of its duties under this chapter and RSA 170-G to prevent further abuse or neglect of the child, to prevent the removal of the child from his home, to provide services ordered by the court to facilitate reunification of the child with the family from which the child was removed, and to promote permanent placement for a child if under the direction of the court the conditions leading to the removal of the child are not corrected.

2 New Paragraph; Rulemaking Added. Amend RSA 169-C:3-a by inserting after paragraph III the following new paragraph:

IV. The written form in which the court shall determine whether the child placing agency has made reasonable efforts to serve the child and family as required by this chapter.

3 New Paragraph; Protective Custody; When Removal May Be Ordered. Amend RSA 169-C:6 by inserting after paragraph VII the following new paragraph:

VIII. The court shall consider what actions or services available through the bureau, if any, could prevent removal of the child from his current surroundings, and may order the bureau to immediately take such actions or provide such services. If the court finds there are no appropriate and available services which will ensure the safety of the child, removal shall be ordered, and the division shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

4 New Subparagraph; Order of Protection. Amend RSA 169-C:16, I by inserting after subparagraph (c) the following new subparagraph:

(d) Issuance of an order of protection which may set forth reasonable conditions of behavior to be observed for a specified time by a person who is before the court and is a parent, or otherwise resident in the home of the child. Such order may require any such person to:



(1) Stay away from the home, another party, or the child.

(2) Permit a parent or other named person to visit the child at stated periods and under such conditions as the court may order.

(3) Abstain from harmful or offensive conduct with respect to the child or any person to whom custody of the child is awarded.

(4) Give attention to the care of the home, or correct specified deficiencies in the condition of the home.

(5) Refrain from specified acts of commission or omission that tend not to make the home an appropriate place for the child.

5 Dispositional Order of the Court. RSA 169-C:18, V is repealed and reenacted to read as follows:

V.(a) If the court determines that a child has been abused or neglected, the court shall order a child-placing agency to conduct an investigation and to submit a social study in writing to the court prior to the final disposition of the case, consisting of but not limited to:

(1) The home conditions; family background; financial assessment; and mental, physical and social history of the family, and the school records of the child.

(2) A statement of the problems necessitating state intervention, the changes required to correct such problems, and a description of the services which would assist the family in remedying the problems within a specified time.

(3) An assessment of the family's relationship to the child, positive motivation to maintain the child in the home, the strengths and resources of the family, and a report of any condition which may constitute a threat of harm should the child remain in or be returned to the home.

(4) Such information as the court may by rule or by specific order require.

(5) A report of opinions or recommendations received by the bureau from other professionals or agencies that provide evaluative, social, reunification, or other services to the child and family.

(b) No dispositional order shall be made by a court without first reviewing the social study, except pursuant to a voluntary consent order or when waived by all parties.

6 Order of Protection. RSA 169-C:19, I(a)(5) is repealed and reenacted to read as follows:

(5) An order of protection which may set forth reasonable conditions of behavior to be observed for a specified time by a person who is before the court and is a parent, or otherwise resident in the home of the child. Such order may require any such person to:

(A) Stay away from the home, another party, or the child.

(B) Permit a parent or other named person to visit the child at stated periods and under such conditions as the court may order.

(C) Abstain from harmful or offensive conduct with respect to the child or any person to whom custody of the child is awarded.

(D) Give attention to the care of the home, or correct specified deficiencies in the condition of the home.

(E) Refrain from specified acts of commission or omission that tend not to make the home an appropriate place for the child.

7 Treatment May Be Required. RSA 169-C:19, III is repealed and reenacted to read as follows:

III. The court may order the child or the family, or both, to undergo treatment of physical or mental health problems by a person or facility certified by the division to provide such service. To the extent possible, the child and family shall be provided an opportunity to express any preference in the selection of the certified provider prior to authorization of the service.

8 Case Plan Required. RSA 169-C:21, II is repealed and reenacted to read as follows:

II. The final order shall include a specific case plan, which shall include, but not be limited to:

(a) A description of the services recommended to address the identified needs of the child and family.

(b) A statement of the specific responsibilities of the child-placing agency and the family as to the initiation and delivery of services ordered by the court.

(c) If the court orders placement of the child, the court shall specify the reasons for such placement and whether the efforts made by the child-placing agency to prevent the removal of the child from his surroundings and to reunify the family after removal were reasonable efforts.

(d) A statement of conditions the parents shall achieve before the child is returned home, together with criteria for measuring whether the parents have achieved the required change.

(e) The court may provide a plan for visitation between parent and child, which may be reduced by the division in the event of circumstances which may be harmful to the child. In such instances, the division shall within 7 days of such change notify the parents and request court approval of the alteration of the visitation plan. The burden shall be upon the division to demonstrate the need for temporary alteration of the plan and whether or not the alteration shall continue.

(f) Such other information as the court may by rule or by specific order require.

9 Standard Changed. RSA 169-C:23 is repealed and reenacted to read as follows:

169-C:23 Standard for Return of Child in Placement. Before a child in placement is returned to the custody of the person responsible for the child's welfare, such person shall demonstrate to the court that:

I. Such person is in compliance with the outstanding dispositional court order.

II. The conditions in the home leading to the removal of the child have been corrected, and that no other facts before the court require the court to find that a substantial risk of harm to the child's life, physical or mental health, or general welfare would exist should the child be allowed to return home.

III. Upon showing that the conditions of paragraph I and II have been met, there shall be a rebuttable presumption that a return of custody is in the child's best interests.

10 Supplemental Report Requirements. Amend RSA 169-C:24 to read as follows:

169-C:24 Court Review of the Disposition. The status of all consent orders, of all children not under the custody of their parents, or children under legal supervision shall be reviewed by the court at least once every year following the initial approval of the order or initial dispositional hearing. The court may also review a case, upon the request of any party, at any time. [At least 14 days prior to the annual review, the child placing agency social workers or child care agency in charge of providing services to the child and parents shall submit or cause to be submitted to the court a supplemental report indicating such services and shall make a dispositional recommendation. The

social worker shall send copies of such report to all parties.] At least 7 days prior to the annual review, the child-placing agency in charge of providing services to the child and parents shall submit to the court a supplemental report which shall include, but not be limited to:

**I. The progress toward achievement of the goals specified in the case plan.**

**II. A recommendation for the provision of continued service, including a report on any service previously recommended but not provided to the child or family.**

**III. If there is a recommendation for continued out-of-home placement, an explanation as to why such placement continues to be necessary.**

**IV. If there is a recommendation that the goal be changed from reunification of the child with the family, a report as to the efforts made by the child-placing agency to plan for and implement a permanent placement for the child.**

11 Reasonable Efforts Required. Amend RSA 170-G:4, II to read as follows:

**II. Provide, through social workers, services for all children and youth referred to it by the probate and district courts pursuant to RSA 169-C; 170-B; 170-C; and 463 and for all children and youth who are at risk of placement with the division in connection with child abuse or neglect. In providing such service, the division workers shall use reasonable efforts, as defined in RSA 169-C:3, XXV-a, to prevent the removal of the children from their homes, to reunify children with their parents after removal, and to promote permanent placement of a child if under the direction of the court the conditions leading to the removal of the child are not corrected.**

12 Comprehensive Statewide Plan. RSA 170-G:4, IV is repealed and reenacted to read as follows:

**IV. Prepare, administer, and annually update a comprehensive statewide service plan which addresses the needs of the state's children and youth on a geographic basis. Such plan shall identify services designed to prevent the need for removal of children from their homes, services to reunify children with their parents after removal has occurred, and services to implement a prompt and permanent placement of children who will not be reunited with a parent.**

13 New Subdivision; Monitoring Committee Established. Amend RSA 169-C by inserting after section 39-i the following new subdivision:

#### Monitoring Committee

169-C:39-j Monitoring Committee.

**I. There is hereby established a committee to monitor the division's enforcement of laws under this chapter, including but not limited to the division's rules, forms, and recommended training plans for child protective service workers and the division's methods of identifying, recruiting, and training foster parents.**

**II. The committee shall consist of 2 members of the house children, youth and juvenile justice committee, one member of the house education committee, and one member of the house appropriations committee, appointed by the speaker of the house; 2 senators, one of whom shall be a member of the senate finance committee, appointed by the senate president; and one member appointed by the governor. The terms of legislative members of the committee shall be coterminous with their legislative terms. Legislative members shall receive mileage at the legislative rate.**

III. The monitoring committee shall submit a report on its findings and recommendations for legislation on or before December 31 of each year to the speaker of the house of representatives, the senate president, and the governor.

14 Court Rules. The supreme court shall adopt rules as it deems necessary to carry out the purposes sections 1 through 13 of this act.

15 New Chapter; Children and Family Services Established. Amend RSA by inserting after RSA 169-F the following new chapter:

#### CHAPTER 169-G CHILDREN AND FAMILY SERVICES

169-G:1 Purpose. This chapter shall apply to children in need of services as defined in this chapter and shall be construed and administered in accordance with the following purposes and policies:

I. Certain behavior occurring within a family environment indicates that a child is experiencing serious difficulties and is in need of diversion from such behavior or services to provide him with the care, counseling, discipline, and supervision necessary to assist him in becoming a responsible and productive member of society.

II. Parents are the primary caregivers for children, and are primarily responsible to assure that their children receive the care, guidance, discipline, supervision, and treatment required to assist a child in becoming a responsible and productive member of society.

III. Services should be implemented which preserve and strengthen the unity of the family, seeking change through the voluntary participation of family members in the least restrictive environment consistent with the safety of the child, the family, and the public.

IV. The goal is to keep the child in his family environment unless it is clearly shown that removal of the child from his home is necessary to maintain the safety of the child, to maintain the safety of others in the family, or to maintain public safety. Removal should be achieved through judicial procedures which assure that the constitutional and other rights of the parties are recognized and protected.

169-G:2 Definitions. In this chapter:

I. "Child" means a person under the age of 18.

II. "Child in need of services" means a child who:

(a) Appears to be able to comprehend the reasonably expected results of his behavior upon himself or others; yet

(b) Runs away from home, or repeatedly disregards the reasonable and lawful commands of the person responsible for his welfare, or violates the laws on compulsory school attendance; and

(c) By this behavior places himself or others in imminent risk of harm; and

(d) Is capable of benefit from a diversion program or the services available under this chapter.

III. "Conditional release" means a legal status created by a court order following an adjudication that a child is in need of services and shall be permitted to remain in the community, including his home, subject to:

(a) The conditions and limitations of his conduct prescribed by the court.

(b) Such services as are prescribed by the court, after review of the report of the family interdisciplinary team.

(c) The supervision of juvenile services officers as authorized by RSA 170-G:16.



(d) Return to the court for violation of the conditions of the release and change of the disposition at any time during the term of the conditional release.

IV. "Court" means the district court, unless otherwise indicated.

V. "Director" means the county human resources director or designee in the county where the child named in the petition resides or is found.

VI. "Diversion" means community-based programs which provide alternatives to traditional court processing for juveniles, as well as diversion programs created or funded in accordance with RSA 170-G:4, XVI.

VII. "Division" means the division for children and youth services, department of health and human services.

VIII. "Family interdisciplinary team" means either a locally or regionally based team created, utilized and administered by the county human resources director or designee, who shall be chairman of the group, and whose members shall include, but not be limited to, a juvenile services officer, a law enforcement professional from the community where the child resides, an educational professional from the community where the child resides, and any professional who has been involved with the child and family.

IX. "Financial statement" means a form submitted to a court or the director which includes all items of income, expense, assets, and liabilities of a person chargeable by law for the support of a child in need of services. The form shall also require disclosure of all governmental benefits received or receivable, and all policies of insurance which provide coverage for the child or the person chargeable for support of the child.

X. "Home detention" means court-ordered confinement of a child with his parents or in another specified home for 24 hours a day unless otherwise prescribed by written court order, under which the child is permitted out of the residence only at such hours and in the company of such persons as specified in the court order establishing the home detention.

XI. "Imminent risk of harm" means circumstances or surroundings are present in the child's home which constitute immediate risk of harm to the child's life, health, safety, or welfare which may lead to involuntary placement away from the home.

XII. "Legal supervision" means a legal status created by court order by the terms of which the child is subject to supervision by a juvenile services officer in the place where he resides, but legal custody remains with the person responsible for the child.

XIII. "Person chargeable for the support and necessities of a child" means such person liable for support of a child in need of services in accordance with RSA 546-A, but does not include a municipality providing assistance pursuant to RSA 167.

XIV. "Person responsible for the welfare of the child" means the parent, guardian, or relative of a child, and does not include persons giving care in out-of-home situations, such as day care providers, educators, and the like.

XV. "Restitution" means moneys, compensation, work, or service which is reimbursed by the offender to the victim who suffered personal injury or economic loss.

XVI. "Shelter care" means the care of a child in physically unrestricted facilities.

169-G:3 Jurisdiction.

I. The court shall have exclusive original jurisdiction over all proceedings charging that a child is in need of services.

II. The court may, with the consent of the child, retain jurisdiction over any child who, prior to his eighteenth birthday, was found to be a child in need of services, and who is attending a recognized school for the purpose of obtaining a high school diploma, or general equivalency diploma.

III. The court shall make orders relative to the support and maintenance of the child after the child reaches age 18 as justice may require, but shall close the case when the child ceases to be enrolled as a full-time high school student during regular sessions of the school, or graduates from such school, or on his twenty-first birthday, whichever first occurs first.

169-G:4 Venue.

I. Proceedings under this chapter may be originated in any judicial district in which the child is found or resides.

II. Proceedings under this chapter may, upon notice and acceptance, be transferred to another court upon motion by the court, or that of any party, as the interests of justice or convenience of the parties require.

III. When a child who is on conditional release moves from one political subdivision to another, the court may transfer proceedings, upon notice and acceptance, to the court with jurisdiction over the political subdivision of the child's new residence, if such transfer is in the best interest of the child.

169-G:5 Referral For Services.

I. The county shall accept a referral from any person who provides specific and credible facts to suggest that a child named in the referral is in need of services.

II. The referral may be oral, and the director may initially refer the case to a diversion program.

III. Within 48 hours from the referral, a child in need of services (CHINS) petition shall be filed by the director, if necessary. The director shall consult with the director of the diversion program and the juvenile services officer assigned to the community where the child resides or is found in order to determine whether the filing of a CHINS petition is necessary.

IV. Anyone participating in good faith in the making of a referral pursuant to this chapter is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any assessment or judicial proceeding which may be undertaken by the division resulting from the report.

169-G:6 Temporary Custody.

I. A police officer or juvenile services officer may take a child into temporary custody when there are reasonable grounds to believe that the child has run away from the person responsible for his welfare, and there is imminent risk of involuntary placement of the child away from his home. No child so detained shall be securely held in a facility used for the detention or correction of adult offenders or juvenile delinquents.

II. The officer who has taken a child into temporary custody shall release the child to a person responsible for the welfare of the child if such person can be found, appears before the officer, and the officer is reasonably assured of the safety of the child after such release.

III. The officer may, with the consent of the child and the person responsible for the child's welfare, refer the child to a diversion program. The police officer or juvenile services officer shall make a written report to his department identifying the

child, specifying the grounds for taking the child into custody, and indicating the basis for the disposition.

IV. If a person responsible for the welfare of the child cannot be found, refuses to appear, or fails to provide reasonable assurance to the officer of the safety of the child after such a release, the court shall be notified, and the terms of the child's release shall be determined by the court in accordance with RSA 169-G:7. In such cases, the officer shall make a report to the director and the court, indicating the grounds for taking the child into custody and indicating the basis for the disposition.

169-G:7 Release of a Child by the Court.

I. If a child taken into temporary custody pursuant to RSA 169-G:6 cannot be released to a person responsible for the welfare of the child within 4 hours of being taken into custody, the court shall be notified, a petition shall be filed, and placement until the development of a voluntary family service plan shall be determined by the court.

II. If placement is likely to be made other than with a person responsible for the welfare of the child, the division shall be notified and, pursuant to RSA 169-F, shall be granted an opportunity to be heard prior to the entry of an order for placement.

III. The court shall release the child to one of the following, which in the court's opinion is the least restrictive and most appropriate:

(a) A person responsible for the welfare of the child.

(b) The division for placement with a suitable adult willing to pursue licensure for foster care, in a foster home, group home, crisis home, or facility or agency licensed pursuant to RSA 170-E, and certified by the division to accept children in need of services, or an alcohol crisis center certified to accept juveniles, with expenses charged according to RSA 169-G:19.

(c) An adult, who at the time of the hearing is an acquaintance of the child, is found to be suitable by the court, and who agrees to accept placement of the child for a period of up to 30 days under such conditions as may be prescribed by the court, which shall include a home visit by a representative of the division, the results of which shall be reported to the court.

IV. Notwithstanding any other provisions of law, no child detained under this chapter shall be held for any period of time in a public or private facility, which includes construction fixtures designed to physically restrict the movements and activities of persons in custody, including but not limited to locked rooms and buildings, fences, or other physical structures. This paragraph shall not be construed to prohibit detention in facilities where physical restriction of movement or activity is provided solely through facility staff.

169-G:8 Petition.

I. Any person may file a petition alleging a child is in need of services with a clerk of the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath.

II. To be legally sufficient, the petition shall set forth with particularity, but not be limited to, the date, time, manner and place of the conduct alleged and should state the statutory provision alleged to have been violated.

III. If the parents of a child are filing the petition, they shall include information which shows what efforts the child and family have previously undertaken to resolve the expressed problem through available community alternatives, that the problem still remains, and that court ordered intervention is needed.

IV. No acts which qualify as delinquent acts as described in RSA 169-B:2, IV shall be included in any petition filed under this chapter.

V. Before a school official files a petition, the legally liable school district shall first determine whether the child is educationally disabled, as defined in RSA 186-C. When a school official is filing a petition involving a child determined to be educationally disabled pursuant to RSA 186-C, he shall include information which demonstrates that the legally liable school district:

(a) Has determined that the child is educationally disabled; and

(b) Has reviewed the services contained in the child's individualized education program (IEP) and made recommendations for the provision of such services to the child.

169-G:9 Petition Stayed.

I. Every petition filed with the clerk of court shall automatically be stayed for not longer than 30 days, unless the provisions of RSA 169-G:6 apply.

II. Within 48 hours after a petition has been filed, the clerk shall enter the petition into the juvenile court system and send a copy of the petition to the director in the county where the child named in the petition resides or is found.

III. The director shall conduct a preliminary investigation, the record of which shall be in writing.

IV.(a) It shall be the duty of the director to review all petitions, in conjunction with the preliminary investigation, and determine whether the petition should be:

(1) Dismissed for lack of specific and credible facts;

(2) Dismissed as an inappropriate referral;

(3) Referred to another agency; or

(4) Accepted, and the child found a child in need of services.

(b) The director shall make written findings to the family interdisciplinary team not later than 48 hours after the county receives the petition from the court. Reports due under this subparagraph shall be due on the next business day when the due date falls on a weekend or a holiday.

V.(a) If the director determines that a child is in need of services then the petition shall be referred to a family interdisciplinary team and the director shall have the authority to order temporary services for the benefit of the child in emergency situations. The director shall convene a family interdisciplinary team as needed.

(b) The team shall work with the child and family to develop a voluntary family service plan. Such a plan shall be in writing and shall contain:

(1) A statement of facts, describing the problems, conduct, or condition supporting the need for service.

(2) A statement of the problems to be addressed by the plan, identifying the services to be utilized by the child and family to address the problems.

(3) A statement of the objectives to be achieved by the plan, with agreed time frames for achieving each objective, together with the criteria for measuring whether the objectives have been achieved. Services are to terminate on a date specified in the plan, unless extended in writing by the county with the consent of the parties.

(4) A plan for reimbursement for services.

(c) The plan document shall contain a notice of the following consequences of entering into a voluntary service plan:

(1) That failure to comply with the terms of the plan shall lead to filing of a notice by the division seeking court intervention.



(2) That the state of New Hampshire may recover the costs of services authorized and provided at the expense of the state from persons chargeable for the child.

VI. Within 10 working days from the receipt of the intake report, the development of the voluntary family service plan shall be completed and signed by the director as chairman of the family interdisciplinary team, the child in need of services, the person responsible for the child, a juvenile services officer, and any family members who are to participate in the voluntary family service plan.

169-G:10 Court Action. The clerk shall schedule a date not later than 30 days from the date the petition is filed when the court shall take one of the following actions:

I.(a) At any point during the process, the court may, on its own motion, the recommendation of the director, or a request by any of the parties, order the child to submit to a mental health evaluation for the purpose of determining whether the child is competent to have committed the offenses or acts alleged in the petition. The evaluation shall be completed within 60 days of the date of such order and shall be conducted by an agency other than the Philbrook center which is approved by the commissioner of health and human services, or conducted by a psychologist certified in New Hampshire or a qualified psychiatrist, or by the Philbrook center only upon receiving prior approval for admission of the child for such evaluation by the director, division for children and youth services. The evaluation shall be submitted to the court in writing upon completion.

(b) The court shall inform the child of his right to object to the evaluation. If the child does object, he shall do so in writing to the court within 5 days of the court's order for the evaluation. The court shall hold a hearing to consider the objection, and may, for good cause, excuse the child from the evaluation.

(c) Whenever such an evaluation has been made previously for consideration at a prior proceeding, it shall be jointly reviewed by the court and the evaluating agency before the case is heard. The evaluator shall keep records of having conducted the evaluation, but no reports or records shall be made available, other than to the court and parties, except upon the written consent of the child or his legal representative, parent or guardian or pursuant to RSA 169-B:35. The expense of such evaluation is to be borne as provided in RSA 169-B:40.

II.(a) If the voluntary service plan is signed by all parties, it shall be attached to the petition and returned to the court. The court shall order this plan, which shall take the form of a consent decree. The presence of the parties shall not be required for court approval except when the voluntary plan recommends a placement with a relative for longer than 14 days or any other out-of-home placement for any period of time.

(b) No out-of-home placement shall be approved unless the child and parents, guardian, or custodian are informed of the consequences of the order by the court, and the court determines that the child and parents voluntarily and intelligently agreed to the terms and conditions of the order.

(c) The consent decree shall be considered a final dispositional order and subject to the provisions of 169-G:16, II.

III. If the director recommends the petition be dismissed, his report, including the reasons for recommending dismissal, shall be attached to the petition and returned to the court. The court may either:

(a) Accept the report of the director;

(b) Refer the petition to the director for review by the family interdisciplinary team and development of a voluntary service plan; or

(c) Determine that some other appropriate action be taken.

IV. If any party refuses to agree to the voluntary family service plan, the court shall set a date for an adjudicatory hearing not later than 14 days from the initial court date.

V. If any party violates any provision of the voluntary service plan after it has been ordered by the court, the division shall file notice with the court. The court shall conduct a hearing pursuant to 169-G:15, V.

VI. After the court has ordered services or set a date for an adjudicatory hearing, the division shall be responsible for the case management, prosecution, followup, and assessment.

VII. When a date for an adjudicatory hearing is set, the court shall issue a summons to be served personally or, if personal service is not possible, at the usual place of abode of the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child at a specified place and time. If the person so notified is not the parent or guardian of the child, then a parent or, guardian shall be notified, provided the person and the person's residence are known, or if there is neither parent nor guardian, or the residence is not known, then some relative, if there be one and his residence is known.

VIII. A copy of the petition shall be attached to each summons or incorporated in the summons.

IX. The summons shall contain a notice of the child's right to representation by counsel and the available procedures for obtaining counsel. The summons shall also state as follows:

"Parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C regarding educationally disabled children grants children and their parents certain rights to services from school districts at public expense and to services from school districts at public expense and to appeal school district decisions regarding services to be provided."

(a) At the time of the initial appearance, the court shall assure that the right of the child to counsel is protected in the following manner:

(1) By appointing an attorney to serve as counsel for the child.

(2) If the court is of the opinion that the best interests of the child require separate protection, by appointing a guardian ad litem to represent the best interests of the child.

(b) No person responsible for the welfare of the child or chargeable for the support and necessities of the child or other person appearing before the court with respect to the proceeding shall be entitled to have counsel appointed by the court at the expense of the state to represent their interests, unless criminal charges directly related to the proceeding may be brought against the person and the person qualifies for indigent defense.

(c) The child may waive the right to have counsel appointed only with the consent of the person responsible for the welfare of the child, and upon a finding by that court that such waiver is made voluntarily, competently, and with full understanding of the consequences.

X. Copies of all pleadings and other materials authorized by rule or law to be filed with the court and copies of all communications with the court shall be served upon all counsel of record or parties appearing pro se by mailing or delivery in hand,

unless otherwise ordered by the court. All such materials shall contain a statement of compliance herewith.

XI. All reports, evaluations and other records from the county, the division for children and youth services, counselors, and guardians ad litem in proceedings under this chapter shall be filed with the court and all other parties at least 5 days prior to any hearing. All such materials shall contain a statement of compliance with this section. Once filed with the court and given to all other parties, the report, evaluation or other record need not be refiled during the proceeding. Failure to comply with the provisions of this paragraph shall not be grounds for dismissal of the petition.

169-G:11 Failure to Appear; Warrant.

I. Any person summoned who, without reasonable cause, fails to appear with the child, may be proceeded against for contempt of court.

II. If a summons cannot be served or the party served fails to obey the summons, and in any case where it appears to the court that such summons will be ineffectual, a warrant may be issued for the child's appearance or for the appearance of anyone having custody or control of the child or for both.

169-G:12 Educationally Disabled Child.

I. (a) At any point during the process, on its own motion, the recommendation of the director or a request from any party, the court may join the legally liable school district as a party for the limited purposes of:

(1) Directing the school district to determine whether the child is educationally disabled as defined in RSA 186-C; or

(2) Directing the school district to review the services offered or provided under RSA 186-C if the child has already been determined to be educationally disabled.

(b) In all instances where a residential placement of an educationally disabled child has resulted or may result from an order of the court, the legally liable school district shall be joined as a party.

II. Once joined as a party, the legally liable school district shall have full access to all educational records maintained by the county, the division, or the district court under this chapter, and shall be afforded the opportunity to participate with the family interdisciplinary team in developing a voluntary family service plan or case service plan for the child.

III. The legally liable school district shall offer to the family interdisciplinary team and to the district court a recommendation as to how the educational needs of the child can best be met. Such recommendation shall be submitted at any stage of the proceeding which contemplates a change in the placement of the child and which has the potential to interfere with the provision of a free and appropriate public education to the child in accordance with an approved and implemented individual education plan for the educationally disabled child.

IV. In any order in which the court declines to accept the recommendation of the legally liable school district, the court shall make written findings of fact to explain why the recommendation was not followed.

169-G:13 Out-of-District Placement. In the case of an out-of-district placement, the appropriate court shall notify the department of education on the date that the court order is signed, stating the initial length of time for which such placement is made. This section shall apply to the original order and all subsequent modifications of that order.

169-G:14 Adjudicatory Hearing.

I. An adjudicatory hearing shall be conducted by the court, separate from the trial of criminal cases. The petitioner has the burden to prove the allegations in support of the petition by a preponderance of the evidence. The court shall not be bound by the technical rules of evidence, and may admit evidence which it considers relevant and material.

II. Upon its own motion, or the motion of any party, the court may enter an order to control the disclosure of witnesses, admission of facts and documents, and the sharing of any other relevant or material information between the parties in advance of the adjudicatory hearing. Upon the request of any party, the court may issue such protective orders as it deems just to control the use of such shared information, but such orders shall not prevent access to information as allowed in RSA 169-G:18.

III. The petitioner shall present witnesses to testify in support of the petition and any other evidence necessary to support the petition. The child shall have the right to present evidence and witnesses on his behalf and to cross-examine adverse witnesses.

IV. If the court finds that the petitioner has not sustained its burden of proof, it shall dismiss the petition, and unless stayed or modified by the court pending an appeal, any order of placement shall expire, and the child shall be returned to the person responsible for his welfare forthwith.

V. If the court sustains the petition, the court shall order the division to prepare an investigation report and case service plan. The division may seek the assistance of the family interdisciplinary team in the preparation of the plan. The court may order the child and any person responsible for the welfare of the child to submit to a physical examination or mental health evaluation as required by the division. The child and any person responsible for the welfare of the child shall be advised of his right to object to any order for physical or mental health evaluation. Objections shall be submitted in writing to the court within 5 days after notification of the time and place of the examination or evaluation. The court may excuse any person so filing an objection for good cause shown, or may deny the objection and proceed to enforce its order for the examination or evaluation as in cases of contempt of court.

VI. If the court sustains the petition, it shall make an order for the release of the child in accordance with RSA 169-G:7, pending the final dispositional hearing.

VII. The court shall set a date for the final dispositional hearing, to be commenced within 30 days of the conclusion of the adjudicatory hearing. All reports to be considered at the final dispositional hearing shall be filed with the court 5 business days in advance of the hearing, and shall be shared with all parties. The court may excuse this requirement for good cause shown, or may recess the final dispositional hearing to allow any party a further opportunity to review the report or obtain information in opposition to the conclusions reached in the report.

#### 169-G:15 Final Dispositional Hearing.

I. If the court sustains the petition and finds the child is in need of services, it shall order the least restrictive and most appropriate disposition considering the facts in the case. In making this disposition, the court shall also consider and make written findings of the following:

(a) The basis for the finding that the child is in need of services.

(b) If placed away from his home, that the division undertook reasonable efforts to prevent such placement, and that the case service plan constitutes a reasonable effort to reunify the child with his family.



(c) The dispositional placement does not deny the child the free exercise of his religion, or that of his parents, whether living or dead, nor the liberty of worshipping in accordance with such religion.

II. Such disposition may include:

(a) Permitting the child to remain with a person responsible for his welfare or suitable adult willing to pursue licensure for foster care, subject to such limitations and conditions as the court may prescribe, including:

(1) Home detention, as defined in the court order.

(2) Placing the child on conditional release for a period of up to 2 years, but not to extend beyond the period of extended jurisdiction defined in RSA 169-G:3.

(3) Acceptance of the terms of an individual education plan proposed for an educationally disabled child.

(4) Ordering the child or the person responsible for his welfare to accept mental health services or medical treatment.

(5) Ordering the child to make restitution.

(6) Perform community service pursuant to RSA 169-B:19, I(h), when such service will, in the opinion of the court, foster respect for those interests violated by the child's conduct. However, no person who performs such public service under this provision shall receive any benefits that such employer for whom the service is performed gives to its other employees, including but not limited to, workers' compensation and unemployment benefits, and no such employer shall be liable for any damages sustained by a person while performing services for the benefit of the employer or any damages caused by that person unless the employer is guilty of gross negligence.

(b) Releasing the child in the legal supervision of the division for placement as ordered by the court. Any placement in this state shall be with a facility licensed pursuant to RSA 170-E and certified by the division to provide services to children in need of services. If a child is placed out of state, the provisions of RSA 170-A and rules governing the certification of providers shall be followed. The court may further order the child or the person responsible for his welfare to accept mental health services or medical treatment. Placement may be made with:

(1) A foster home.

(2) A group home, crisis home, or shelter care facility.

III. Every final dispositional order shall contain an order for reimbursement of the expenses incurred for services to a child in need of services in accordance with the requirements and procedure set forth in RSA 169-G:19. Every person chargeable for the support and necessities of the child shall be afforded notice of a hearing and an opportunity to be heard at the final dispositional hearing upon the issue of reimbursement. The division shall make a recommendation for the amount of reimbursement, calculated in accordance with rules adopted pursuant to RSA 169-G:23. If the court deviates from such recommendation, it shall enter written findings of the basis for such deviation.

IV. Any child or person responsible for the welfare of the child or chargeable for the support and necessities of the child adjudicated pursuant to this chapter who fails or refuses to comply with the final dispositional order may be proceeded against for contempt of court.

V. Upon its own motion or the motion of any party seeking sanctions for contempt, the court shall schedule a hearing, provide notice of the conduct alleged to constitute contempt, and shall make a finding of contempt only after all parties are

afforded an opportunity to be heard and show cause why such person should not be found to be in contempt of court.

VI. A child found in contempt of court may be removed from an existing placement and placed in a more restrictive setting until such time as the contempt is purged by the performance of such acts as may be ordered by the court.

169-G:16 Review of Final Dispositional Order.

I. At any time following the entry of the final dispositional order, upon the motion of any party or upon its own motion, the court may schedule a hearing to review or modify a final dispositional order.

II. Notwithstanding the provisions of paragraph I, the court shall schedule and hold a review hearing at least once within each 12-month period following the entry of the final dispositional order. Such review may include a review of the family's financial situation as it relates to recovery for the cost of services provided by the state.

169-G:17 Appeals. An appeal of questions of law, under this chapter, may be taken to the supreme court by the child or the person responsible for the welfare of the child within 30 days of the final dispositional order, but an appeal shall not suspend the order or decision of the court unless the court so orders. In all other respects the judgment of the district court shall be final at the expiration of the appeal period.

169-G:18 Confidentiality of Court Records.

I. All records pertaining to cases of children in need of services shall be kept in books and files separate from all other court records. Such records shall be withheld from public inspection, but shall be open to juvenile services officers, police officers, the child, persons responsible for the welfare of the child, persons chargeable for the support and necessities of the child, attorneys for the parties, a legally liable educational authority joined as a party, and the guardian ad litem. Additional access shall be granted by the court upon good cause shown. Once a child in need of services is 18 years of age and his case has closed, all such records shall be destroyed, unless required to be maintained for the purpose of audit by the federal government, or until the expiration of an applicable statute of limitations. Statistical records, which shall not serve to identify the child, may be maintained indefinitely.

II. No participant in any hearing relating to a child alleged to be in need of services shall disclose any data with respect to such child or hearing to any person without the prior express order of the court, upon penalty of being in criminal contempt of court.

III. No owner, employee, agent, or representative of a print, electronic, or other form of media shall print or otherwise broadcast or publish any information with respect to a child alleged to be in need of services without prior permission of the court. Any such person or partnership, trust, or corporation which violates this section shall be proceeded against for criminal contempt of court.

169-G:19 Liability for Expenses.

I. Any expense incurred in the provision of services to a family or child under a voluntary family service plan, or under a court ordered case service plan, including expenses for board and care of the child placed outside of the home of the person responsible for the welfare of the child, and services required to meet the medical treatment or mental health needs of such child, shall be paid in the first instance by the division, except for:

(a) Expenses for services which, when authorized, were capable of being paid for by any private or governmental contract or policy of insurance which named the recipient of the service as an insured or benefited person.

(b) Expenses for services provided to an educationally disabled child as expressly required by RSA 186-C.

II. The time expended by county personnel for implementing this chapter shall be chargeable to the state. The county shall also be granted credit for reasonable office expenses. These charges shall accrue monthly.

III. (a) Notwithstanding paragraph I, the county in which the child resided or was found at the time the case commenced, whether by voluntary family service plan or by court intervention, shall be liable to the division for 25 percent of the expenses authorized for such child and paid by the division.

(b) County credits accrued under 169-G:19, II shall be deducted from payments due the state under this paragraph.

(c) A monthly accounting of payments due shall be prepared by the division and sent to the director.

(d) County payments due to the state shall be paid to the division on a monthly basis within 30 days' notice of the amount due to the state. Delinquent payments due to the state under this paragraph with interest at the rate of 12 percent per annum, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

III. Notwithstanding any change of residence by a child or family while under a voluntary family service plan, or subsequent acts by a child in need of services which brings him to the attention of a court, the county made initially liable under paragraph II shall remain the county of liability until the child reaches the age of 18 or jurisdiction of the court shall cease, whichever shall first occur, provided that whenever the court retains jurisdiction according to the provisions of RSA 169-G:3, II the county liable in paragraph II of this section shall remain liable until jurisdiction of the court ceases.

IV. The state of New Hampshire acting on its own behalf, or for the county of liability shall, within the context of a proceeding under this chapter, be entitled to recover funds expended to serve a child in need of services from the persons chargeable by law for the support and necessities of the child. Procedures for recovery shall be as follows:

(a) In the first instance the recovery shall be based on ability to pay, as determined by the financial statement filed by the person chargeable for the support and necessities of the child, but shall not be less than \$10 per week and not more than an amount equal to child support as determined pursuant to RSA 458-C. Payments under this section shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the child by the state.

(b) For subsequent petitions, the recovery shall be based on ability to pay, as determined by a current financial statement filed by the person chargeable for the support and necessities of the child and equal to an amount as determined pursuant to RSA 458-C. Payments under this section shall continue until the child reaches the age of majority.

(c) The court may suspend a portion of the payment if extraordinary circumstances are found to exist. If there is a negligent violation of the court order by the

person chargeable for the support and necessities of the child the suspension may be lifted.

(d) In cases where the person chargeable for the support and necessities of the child is not the custodial parent, is currently under court order to pay child support for the child receiving services, and is not in violation of said order, recovery by the state shall be as follows:

(1) Payment for services, other than out-of-home placement, not covered under the court order of child support. These costs shall be assessed on the basis of ability to pay additional charges and shall not be considered child support.

(2) Payment for out-of-home placement shall be based on the ability to pay additional charges and shall not be considered child support unless the court determines that reducing the child support payment by an amount equal to the portion allocated to support of the child receiving services would not endanger the child's family nor jeopardize the home environment to which the child would return. If the court makes such a determination, it shall temporarily order that portion of the child support payment to be made to the state, and such payments shall be considered child support. Such order shall be directed to the non-custodial parent with notice to the custodial parent or guardian.

#### 169-G:20 Collection of Reimbursements Due to State.

I. No further action or process shall be required to permit the state of New Hampshire to collect the expenses paid for services for any person under this chapter from a person chargeable by law for such expenses who is before the court.

II. If a child or family is receiving services pursuant to a voluntary family service plan, and has agreed to a plan for reimbursement to the state of New Hampshire for expenses associated with the plan, such plan shall be enforceable in the judicial district where the child resided or was found at the time the plan commenced.

III. The jurisdiction of the court to order reimbursements shall continue until the obligation to reimburse has been fulfilled.

IV. If the person responsible for paying reimbursements to the state is financially able to pay such reimbursements but fails to make such payments, the state may apply to the superior court for a lien on such person's real or personal property for the amount of reimbursements due.

#### 169-G:21 Division Duties. The division shall have the power and duty:

I. After consultation with the advisory board created by RSA 170-G:6, to establish rates for all services, placements and programs which are paid for by the division pursuant to RSA 169-G:19. When educational aspects are present in any service, placement or program subject to rate-setting by the division, rates for the educational component shall be addressed jointly by the division and the department of education.

II. To certify all providers of services, placements and programs which are paid for by the division pursuant to RSA 169-G:19. Each certification issued for this purpose shall have 2 components: one based upon standards of quality and performance, and one based upon the need the state may have for such service, placement, or program. When educational aspects are present in any service, placement, or program subject to certification by the division, certification for the educational component shall be addressed jointly by the division and the department of education. The commissioner of the department of health and human services shall develop by rule an appeals process for providers of services, placements, and programs who have sought and been refused certification under this paragraph.



169-G:22 Treatment and Services. Notwithstanding any other provisions of law, whenever a person under 18 years of age who is judged by a peace officer to be intoxicated or incapacitated and who has not been charged with a crime is taken into protective custody, if no needed treatment is available, his parent or guardian shall be immediately notified and such person may be held at a police station or a local jail or a county correctional facility in a room or ward separate from any adult or any person charged with juvenile delinquency until the arrival of his parent or guardian. If such person has no parent or guardian in the area, arrangements shall be made to house him according to the provisions of RSA 169-G:8.

169-G:23 Rulemaking. The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, necessary to carry out the provisions of this chapter.

16 Monitoring Committee.

I. The monitoring committee established under RSA 169-C:39-j shall monitor and review the pilot program established in RSA 169-G as inserted by section 15 of this act.

II. The committee shall meet at least quarterly with a district court judge sitting in Merrimack County and named by the administrative judge of the district courts, the county human resources director and designee, if appointed, the director of the division of children and youth services and designee, if appointed a member from law enforcement involved with children in need of services in Merrimack County, named by the New Hampshire Police Chiefs Association and a school board member from Merrimack County, named by the New Hampshire School Boards Association.

III. At least two weeks prior to its first quarterly meeting the committee shall have developed and published guidelines for monitoring and evaluating the pilot program.

IV. The committee shall report its findings and recommendations for any legislation including a recommendation for repeal if necessary or a resolution in support of statewide implementation. Reports shall be submitted to the governor, president of the senate, speaker of the house, and the general court not later than October 1, 1993. Prior to submitting its final report, the committee shall conduct at least one public hearing in Merrimack County to give the public an opportunity to comment on the issue of whether the pilot program achieved its goals and purpose and to recommend changes to RSA 169-G.

17 Rules. The county commissioners shall adopt rules, pursuant to RSA 28:12, necessary to carry out the provisions of section 15 of this act. For the purposes of the program in Merrimack County, the commissioners of that county may begin formulating rules and interviewing personnel prior to July 1, 1992.

18 Transfer of Appropriated Funds. The time expended by county personnel, which is chargeable to the state for implementing children and family services under this act, shall be paid by the state from moneys available under PAU 05, 01, 03, 02, 07, class 90 settlement.

19 Opt-out Provision. Any person who becomes a party to a petition filed in Merrimack County between July 1, 1992 and July 1, 1994 shall have the opportunity to have the petition considered under provisions of RSA 169-D, as amended, rather than under the provisions of RSA 169-G.

20 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not effect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

21 Definition Modified. Amend RSA 169-B:2, IV to read as follows:

IV. "Delinquent" means a person who has committed an offense before reaching the age of 18 years which would be a felony, [or] misdemeanor **or violation** under the criminal code of this state, **or any other statute creating a violation or crime** if committed by an adult, and is expressly found to be in need of counselling, supervision, treatment, or rehabilitation as a consequence thereof.

22 Reference Changes. Amend the following RSA provisions by replacing "169-D" with "169-G": RSA 126-A:49-a, 135-C:13, 135-C:64, 135-C:66, 169-F:1, 170-G:1, 170-G:4, 170-G:5-a, 170-G:11, 172-B:3, 173-B:4, 186-C:13, 186-C:19-b, and 263:56-b.

23 Repeal. The following are repealed:

I. RSA 169-D, relative to children in need of services.

II. Section 19 of this act, relative to an opt-out provision.

24 Effective Date.

I. Section 13 of this act shall take effect 60 days after its passage.

II. Sections 15-22 of this act shall take effect in Merrimack County July 1, 1992.

III. Sections 15-18 and 20-22 of this act shall take effect in all other counties on July 1, 1994.

IV. Section 23 of this act shall take effect July 1, 1994.

V. The remainder of this act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill requires the division for children and youth services to use reasonable efforts to preserve families while providing services to protect children, to reunify children with their families, and to locate permanent homes for children who cannot live with their families.

This bill changes the standard for the return of a child in placement.

This bill establishes a program relative to children and family services in Merrimack county effective July 1, 1992, and prospectively effective in all counties throughout New Hampshire on July 1, 1994. This bill also establishes a select committee to monitor and review the effectiveness of the program and to recommend legislation by October 1, 1993.

The bill repeals RSA 169-D, relative to children in need of services, on July 1, 1994.

The bill also establishes a committee to monitor the division's implementation of RSA 169-C and RSA 169-G.

Rep. Accornero moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment.

Reps. David Wheeler, Accornero and Nielsen spoke in favor.

Reps. Robinson, Trombly and Gross spoke against.

Rep. William McCain spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

YEAS 132

NAYS 211

YEAS 132  
BELKNAP

Accornero, Harry  
Dewhirst, Glenn E.  
Johnson, Carl R.

Bartlett, Gordon E.  
Golden, Paul A.  
Rosen, Ralph J.

Cain, Thomas G.  
Holbrook, Robert G.  
Zaharchuk, Peter J., Jr.

**CARROLL**

Allard, Nanci A.  
Jean, Robert R.

Daly, Robert J., Jr.  
Wiggin, Gordon E.

Dickinson, Howard C.

**CHESHIRE**

Hogan, James B.  
Mohr, Frederick C., Jr.

Hunt, John B.  
Sawyer, Alfred P.

Laurent, John J.

**COOS**

Brungot, Catherine V.  
Oliver, Terry D.

Coulombe, Henry W.  
Pratt, Leighton C.

Mayhew, Josephine

**GRAFTON**

Arnesen, Deborah L.  
Markley, J. Keith  
Shackett, Ralph E.

Copenhaver, Marion L.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.

Hill, Richard L.  
Nordgren, Sharon L.  
White, Paul R.

**HILLSBOROUGH**

Alukonis, David J.  
Bourque, Ann J.  
Crotty, Edward J.  
Dodge, Emma M.  
Emerton, Lawrence A.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Johnson, Lionel W.  
Lachut, Ervin R.  
Lawrence, Eva M.  
Mercer, Robert S.  
Paquette, Rodolphe G.  
Rodgers, G. Philip  
Stiles, Walter A.  
Wheeler, Robert L.

Baker, George H., Sr.  
Carpenter, Karen A.  
Daniels, Gary L.  
Drolet, Paul L.  
Fields, Dennis H.  
Green, Scott E.  
Healy, Walter F.  
Kelley, Dana F.  
Larochelle, Roger B.  
Lawrence, Norman B.  
Nardi, Theodora P.  
Pepino, Leo P.  
Rothhaus, Finlay C.  
Turgeon, Roland M.  
Wright, George W.

Baroody, Benjamin C.  
Chasse, Richard D.  
Desrochers, Gerard T.  
Elliott, Larry G.  
Gage, Ruth E.  
Greenglass, Alan B.  
Hultgren, David D.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
McRae, Karen K.  
Ouellette, Robert O.  
Riley, Frances L.  
Searles, Stanley N., Sr.  
Wheeler, David K.

**MERRIMACK**

Apple, Lowell D.  
Nichols, Avis B.  
Wallner, Mary Jane

Barberia, Richard A.  
Smith, Gerald R.

Fillion, Paul R.  
Soldati, Jennifer G.

**ROCKINGHAM**

Bell, Juanita L.  
Buco, Stephen W.  
Cooke, Annette M.  
Flanders, Harry E.  
Hoelzel, Kathleen M.  
Johnson, Robert A.  
Magoon, Harold F.  
Palazzo, Frank J.  
Rubin, George R.  
Smith, Arthur W.  
Welch, David A.

Boucher, William P.  
Chulack, Peter G., Sr.  
Dowling, Patricia A.  
Ford, Bert H.  
Hutchinson, Karen K.  
Katsakiores, Phyllis  
McKinney, Betsy  
Raynowska, Bernard J.  
Schanda, Joseph, Sr.  
Thayer, Leroy C.  
Wells, Henry E.

Brown, Jeffrey M.  
Coffey, John J.  
Flanders, David A.  
Gage, Beverly A.  
Hynes, Carolyn E.  
MacKinnon, Nancy W.  
Packard, Sherman A.  
Roulston, Donald L.  
Seward, Russell G.  
Warburton, Calvin

**STRAFFORD**

Bickford, Drucilla  
O'Brien, John  
Torr, Ralph W.  
Wall, Janet G.

Douglass, Clyde J.  
Pageotte, Donald P.  
Tsiros, William  
Wheeler, Katherine W.

Marston, Robert E.  
Sullivan, Henry P.  
Vincent, Francis C.  
Young, John B.

**SULLIVAN**

Domini, Irene C.  
Stamatakis, Carol M.

Flint, Gordon B.

Middleton, John A.

**NAYS 211****BELKNAP**

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Vogler, Charles C.

Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Ziegra, Alice S.

Joscelyn, William W.  
Turner, Robert H.

**CARROLL**

Beach, Mildred A.  
Saunders, Howard N.

Bradley, Jeb E.  
Wiggin, Allen R.

Chandler, Gene G.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Stacey W.  
Feuer, Joseph N.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Pratt, Irene A.

Clark, Eugene W.  
Crutchley, Donald O.  
Foster, Katherine D.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.  
Riley, William A.

Cole, Kenneth A.  
Doucette, Richard F.  
Grodin, Richard A.  
LaMar, David M.  
Perry, David M.

**COOS**

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Merrill, Gerald P.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Nelson, Harold D.

Hawkinson, Marie C.  
Marsh, Beaton  
Therriault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Ward, Kathleen W.

Bean, Pamela B.  
Chambers, Mary P.  
Guest, Robert H.  
Lougee, Richard W.  
Stewart, Roger D.

Brown, Channing T.  
Christy, C. Dana  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Trelfa, Richard T.

**HILLSBOROUGH**

Ackerman, Philip M.  
Andrews, Frederick B.  
Bowers, Dorothy C.  
Calawa, Leon, Jr.  
Cote, David E.  
Desrosiers, William J.  
Drabinowicz, A. Theresa  
Ferlan, Arthur P.  
Goulet, Maurice E.  
Healy, Daniel J.  
Jasper, Shawn N.

Ahrens, Frederick G.  
Arnold, Barbara E.  
Buckley, Raymond  
Clemons, Jane A.  
Cowenhoven, Garret P.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Ford, Nancy M.  
Hall, Betty B.  
Holden, Carol H.  
Jean, Romeo W.

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Burke, Stephen J.  
Cook, Valerie S.  
Daigle, Robert A.  
Donovan, Francis X.  
Ferguson, Charles  
Gagnon, Eugene L.  
Hanselman, Gregory L.  
Janas, Gregory  
Jordan, Mary H.



Keane, Cornelius J.  
 Kurk, Neal M.  
 Lozeau, Donnalee M.  
 McDowell, James E.  
 Moore, Elizabeth A.  
 Packard, Bonnie B.  
 Reidy, Frank J.  
 Smith, Leonard A.  
 Tate, Joan C.  
 White, John M.

Keiley, Robert N.  
 Leclerc, Charles J.  
 Mason, Howard F.  
 McNeerney, Daniel P.  
 Murphy, Robert E.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Soucy, Donna M.  
 Upton, Barbara A.

King, Frank P.  
 Lown, Elizabeth D.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Record, Alice B.  
 Sallada, Roland A.  
 Tarpley-Bamberger, Nancy L.  
 Vanderlosk, Stanley R.

### MERRIMACK

Asplund, Bronwyn L.  
 Carter, Susan D.  
 Daneault, Gabriel J.  
 Feuerstein, Martin  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Johnson, Joyce M.  
 Lewis, Mary Ann  
 Molner, Mary E.  
 Trombly, Rick A.  
 Yeaton, Charles B.

Boucher, Laurent J.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Stio, Peter M.  
 Weeks, John F., Jr.

Braiterman, Thea  
 Chandler, John P.  
 Fair, Patricia A.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, C. William  
 Letourneau, George E.  
 Millard, Elizabeth S.  
 Teague, Bert  
 Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
 Caswell, Albert, Jr.  
 Connell, David R.  
 Drake, Herbert R.  
 Flanders, John W., Sr.  
 Haynes, Richard  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Skinner, Patricia M.  
 Terninko, Margaret B.  
 Weyler, Kenneth L.

Benton, Richardson D.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 Felch, Charles H., Sr.  
 Greene, Elizabeth A.  
 Hoar, John, Jr.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Melnick, Roy E.  
 Syracuse, Anthony  
 Tufts, Arthur

Campbell, Marilyn R.  
 Clark, Martha Fuller  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Griebisch, Linda  
 Hurst, Sharleene P.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McCarthy, John J., Jr.  
 Rosencrantz, James R.  
 Sytek, Donna P.  
 Vaughn, Charles L.

### STRAFFORD

Corte, Arthur B.  
 Frechette, Roland A.  
 Hashem, Elaine M.  
 Knowles, William V.  
 Musler, George T.  
 Pelley, Janet R.

Flynn, Edward J.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 McCann, William H., Jr.  
 Nehring, William H.  
 Spencer, Leo J.

Foss, Patricia H.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 Merrill, Amanda A.  
 Parks, Joe B.

**SULLIVAN**

Allison, David C.  
 Krueger, Richard H.  
 Porter, Robert H.  
 Walsh, Robert R.

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.

Burling, Peter Hoe  
 Peyron, Fredrik  
 Schotanus, Merle W.

and the motion failed.

Reps. Wall and Nordgren notified the Clerk they voted yea and meant to vote nay.

Rep. Martin notified the Clerk that she wished to be recorded in favor of the substitute motion.

Amendment adopted.

Report adopted.

Ordered to third reading.

**HB 1262**, requiring financial institutions which are responsible for paying property tax bills from escrow accounts to pay a property tax bill within 10 days of its receipt and to pay any fees, penalties or interest charged on overdue bills. **OUGHT TO PASS WITH AMENDMENT**

Rep. Richard Krueger for Commerce, Small Business and Consumer Affairs: The problem the bill addressed was not substantiated as a major one in testimony, and the mechanism to solve it was counterproductive. The subcommittee was unanimous in recommending the amendment giving rulemaking authority with teeth to the Banking Department as an effective means to solve this problem when it may occur. Vote 13-1. 5203L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to the rulemaking authority of the bank commissioner.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Rulemaking Authority. Amend RSA 384 by inserting after section 43 the following new subdivision:

**Rulemaking Authority**

384:43-a Rulemaking Authority. The commissioner shall adopt rules, pursuant to RSA 541-A, consistent with the provisions of this chapter, which shall include rules relative to payment of funds from escrow accounts held by depository and nondepository institutions, including imposition of fees, penalties or fines for failure to comply with such rules.

2 Effective Date. This act shall take effect 60 days after its passage.

**AMENDED ANALYSIS**

This bill authorizes the bank commissioner to adopt rules consistent with the provisions of RSA chapter 384, including rules relative to payment of funds from escrow accounts held by depository and nondepository institutions.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1369**, defining the terms "experimental and investigatory" concerning medical procedures for insurance purposes and establishing a review board to hear controversial cases. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Patricia A. Fair for the Majority of Commerce, Small Business and Consumer Affairs: This bill requires insurers which exclude coverage for experimental and investigatory procedures to include a statement in their contracts that states "experimental and investigatory means any procedure, facility, equipment, drug, device, or supply not generally acknowledged as accepted by the relevant medical specialists practicing in New Hampshire". It also establishes a review board of three physicians, three insurance industry representatives, one public member and the insurance commissioner (all political appointments) to review disputed cases and determine when a procedure, in their opinion, is no longer experimental or investigatory. Examples of things that are currently considered experimental or investigatory nationally include: certain cardiac procedures, AIDS drug therapies, fetal tissue transplants for Parkinson's Disease, "super aspirin" for dissolving clots and bone marrow transplants for cancers other than the leukemias. This bill would put into law, a review board, the majority of whom are nonmedical, nonresearch to make complex medical and research decisions regarding when a procedure, drug or equipment are no longer experimental or investigatory and therefore should be paid for by insurers. These procedures are not covered by Medicare or Medicaid. This bill sets a precedence for a review board to mandate to insurers what will be covered. These procedures are very costly starting at \$100,000. The conduct of medical research and its funding should not be a state issue. It should be a federal and medical issue. With 100,000 New Hampshire residents currently without insurance, the legislature should focus on seeing that insurance is available and affordable to them before adding very costly procedures to policies of people who already have insurance coverage for care other than that which is experimental or investigatory. Vote 14-5.

Reps. Thea Braiterman, John B. Hunt, Deborah L. Arnesen, Anthony Syracuse and George H. Baker, Sr. for the Minority of Commerce, Small Business and Consumer Affairs: At present, whether a particular health insurance policy will pay for certain life or death treatments is decided case by case, usually behind closed doors, or by expensive law suits, or by emotional media attention. The subcommittee assigned to this bill recommended interim study to this issue by a vote of 3-0. The New Hampshire Medical Society stands ready to assist by providing appropriate professional input. We recognize that a serious problem exists, and that efforts should be made to develop a level playing field for both consumers and insurers. We recommend that we begin to study this issue by referring it to the committee for interim study.

Rep. Hunt moved that the words Refer for Interim Study be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Fair and Bonnie Packard spoke against and yielded to questions.

Reps. Fuller Clark spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

Reps. Lockwood and Terninko declared that a conflict of interest existed and they did not participate.

The question being the adoption of the substitute motion.

**YEAS 129**

Golden, Paul A.

Bradley, Jeb E.

Burnham, Daniel M.  
 Doucette, Richard F.  
 Kingsbury, H. Thayer  
 Pearson, Gertrude B.

Coulombe, Henry W.  
 Mayhew, Josephine  
 Theriault, Romeo J.

Arnesen, Deborah L.  
 Copenhaver, Marion L.  
 Nordgren, Sharon L.

Ackerman, Philip M.  
 Baldizar, Barbara J.  
 Buckley, Raymond  
 Cote, David E.  
 Drabinowicz, A. Theresa  
 Hall, Betty B.  
 Jean, Romeo W.  
 Leclerc, Charles J.  
 McRae, Karen K.  
 Murphy, Robert E.  
 Paquette, Rodolphe G.  
 Searles, Stanley N., Sr.  
 White, John M.

Apple, Lowell D.  
 Dunn, Miriam D.  
 Jacobson, Alf E.  
 Molner, Mary E.  
 Trombly, Rick A.  
 Yeaton, Charles B.

Bell, Juanita L.  
 Christie, Andrew, Jr.  
 Griebisch, Linda  
 Hynes, Carolyn E.

Maviglio, Steven R.

Dickinson, Howard C.

Clark, Eugene W.  
 Foster, Katherine D.  
 LaMar, David M.  
 Pratt, Irene A.

Hawkinson, Marie C.  
 Nelson, Harold D.

Brown, Patricia B.  
 Guest, Robert H.  
 Teschner, Douglass P.

Alukonis, David J.  
 Baroody, Benjamin C.  
 Chasse, Richard D.  
 Crotty, Edward J.  
 Gage, Ruth E.  
 Hultgren, David D.  
 Johnson, Lionel W.  
 Martin, Mary Ellen  
 Messier, Irene M.  
 Nardi, Theodora P.  
 Reidy, Frank J.  
 Soucy, Donna M.

Barberia, Richard A.  
 Fillion, Paul R.  
 Johnson, Joyce M.  
 Smith, Gerald R.  
 Wallner, Mary Jane

Brown, Jeffrey M.  
 Clark, Martha Fuller  
 Hoar, John, Jr.  
 Kane, Cecelia D.

**NAYS 208**

Salatiello, Thomas B.

Crutchley, Donald O.  
 Hunt, John B.  
 Lynch, Margaret A.  
 Riley, William A.

Kilbride, Dennis J.  
 Oliver, Terry D.

Chambers, Mary P.  
 McIlwaine, Deborah P.

Baker, George H., Sr.  
 Bourque, Ann J.  
 Clemons, Jane A.  
 Donovan, Francis X.  
 Gureckis, Adam C., Sr.  
 Janas, Gregory  
 Jordan, Mary H.  
 McDowell, James E.  
 Moore, Elizabeth A.  
 O'Rourke, Joanne A.  
 Sallada, Roland A.  
 Upton, Barbara A.

Braiterman, Thea  
 Hall, Douglas E.  
 Millard, Elizabeth S.  
 Soldati, Jennifer G.  
 Whittemore, James A.

Buco, Stephen W.  
 Ford, Bert H.  
 Hurst, Sharleene P.  
 Klemarczyk, Thaddeus E.

**YEAS 129**  
**BELKNAP**

**CARROLL****CHESHIRE****COOS****GRAFTON****HILLSBOROUGH****MERRIMACK****ROCKINGHAM**



MacDonald, Joseph A.  
Rosencrantz, James R.  
Syracusa, Anthony

McGovern, Cynthia A.  
Schanda, Joseph, Sr.  
Warburton, Calvin

Palazzo, Frank J.  
Seward, Russell G.  
Weyler, Kenneth L.

### STRAFFORD

Corte, Arthur B.  
Gilmore, Gary R.  
Jankowski, Peter M.  
Marston, Robert E.  
Nehring, William H.  
Pelley, Janet R.  
Wheeler, Katherine W.

Flynn, Edward J.  
Hambrick, Patricia A.  
Keans, Sandra B.  
McCann, William H., Jr.  
O'Brien, John  
Spencer, Leo J.

Frechette, Roland A.  
Hashem, Elaine M.  
Knowles, William V.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Wall, Janet G.

### SULLIVAN

Allison, David C.  
Walsh, Robert R.

Burling, Peter Hoe

Stamatakis, Carol M.

### NAYS 208 BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Rosen, Ralph J.  
Zaharchuk, Peter J., Jr.

Cain, Thomas G.  
Hawkins, Robert S.  
Joscelyn, William W.  
Turner, Robert H.  
Ziegler, Alice S.

### CARROLL

Allard, Nanci A.  
Jean, Robert R.  
Wiggin, Gordon E.

Beach, Mildred A.  
Saunders, Howard N.

Daly, Robert J., Jr.  
Wiggin, Allen R.

### CHESHIRE

Cole, Stacey W.  
Hogan, James B.  
Mohr, Frederick C., Jr.  
Young, David A.

Feuer, Joseph N.  
Kennison, Wayne A.  
Perry, David M.

Grodin, Richard A.  
Laurent, John J.  
Sawyer, Alfred P.

### COOS

Brungot, Catherine V.  
Horton, Lynn C.  
Pratt, Leighton C.

Buckley, C. Fitzgerald  
Marsh, Beaton

Guay, Lawrence J.  
Merrill, Gerald P.

### GRAFTON

Adams, Carl S.  
Christy, C. Dana  
LaMott, Paul I.  
Markley, J. Keith  
Shackett, Ralph E.  
Ward, Kathleen W.

Bean, Pamela B.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
White, Paul R.

Brown, Channing T.  
Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.  
Trelfa, Richard T.

### HILLSBOROUGH

Ahrens, Frederick G.  
Arnold, Barbara E.  
Carpenter, Karen A.  
Daigle, Robert A.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Daniels, Gary L.

Andrews, Frederick B.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.

Desrosiers, William J.  
 Drolet, Paul L.  
 Emerton, Lawrence A.  
 Fields, Dennis H.  
 Gosselin, Gerald O.  
 Greenglass, Alan B.  
 Healy, Walter F.  
 Keane, Cornelius J.  
 King, Frank P.  
 Lachut, Ervin R.  
 Lawrence, Norman B.  
 Mason, Howard F.  
 Mercer, Robert S.  
 Pepino, Leo P.  
 Riley, Frances L.  
 Rothhaus, Finlay C.  
 Tarpley-Bamberger, Nancy L.  
 Vanderlosk, Stanley R.  
 Wright, George W.

Dodge, Emma M.  
 Durham, Susan B.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Goulet, Maurice E.  
 Hanselman, Gregory L.  
 Holden, Carol H.  
 Kelley, Dana F.  
 Kurk, Neal M.  
 Laughlin, J. Francis  
 Lown, Elizabeth D.  
 McCann, Bonnie Lou  
 Ouellette, Robert O.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Smith, Leonard A.  
 Tate, Joan C.  
 Wheeler, David K.

Domaingue, Jacquelyn M.  
 Elliott, Larry G.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Green, Scott E.  
 Healy, Daniel J.  
 Jasper, Shawn N.  
 Kelley, Robert N.  
 L'Heureux, Robert J.  
 Lawrence, Eva M.  
 Lozeau, DonnaLee M.  
 McNerney, Daniel P.  
 Packard, Bonnie B.  
 Record, Alice B.  
 Rodgers, G. Philip  
 Stiles, Walter A.  
 Turgeon, Roland M.  
 Wheeler, Robert L.

### MERRIMACK

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Fair, Patricia A.  
 Hager, Elizabeth S.  
 Johnson, C. William  
 Lewis, Mary Ann  
 Teague, Bert

Boucher, Laurent J.  
 Chandler, John P.  
 Feuerstein, Martin  
 Hayes, Robert C.  
 Kidder, William F.  
 Nichols, Avis B.  
 Weeks, John F., Jr.

Carter, Susan D.  
 Daneault, Gabriel J.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Letourneau, George E.  
 Stio, Peter M.

### ROCKINGHAM

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Connell, David R.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hutchinson, Karen K.  
 Katsakiores, Phyllis  
 MacKinnon, Nancy W.  
 McCain, William F.  
 Melnick, Roy E.  
 Roulston, Donald L.  
 Smith, Arthur W.  
 Tufts, Arthur

Benton, Richardson D.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 Dowling, Patricia A.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Haynes, Richard  
 Johnson, Robert A.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Rubin, George R.  
 Sytek, Donna P.  
 Vaughn, Charles L.

Boucher, William P.  
 Coffey, John J.  
 Cooke, Annette M.  
 Drake, Herbert R.  
 Flanders, David A.  
 Gage, Beverly A.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Skinner, Patricia M.  
 Thayer, Leroy C.  
 Welch, David A.

### STRAFFORD

Bickford, Drucilla  
 Musler, George T.  
 Torr, Ralph W.  
 Young, John B.

Douglass, Clyde J.  
 Parks, Joe B.  
 Tsiros, William

Foss, Patricia H.  
 Sullivan, Henry P.  
 Vincent, Francis C.

**SULLIVAN**

Behrens, Thomas A.  
 Krueger, Richard H.  
 Peyron, Fredrik  
 Schotanus, Merle W.  
 and the motion failed.  
 Report adopted.

Domini, Irene C.  
 Lindblade, Eric N.  
 Porter, Robert H.

Flint, Gordon B.  
 Middleton, John A.  
 Rodeschin, Beverly T.

**SPECIAL ORDER**

Reps. Gross and Chambers moved that **HB 591**, reapportioning the state house of representatives districts, be made a special order of March 4 at 10:30 a.m.  
 Adopted.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Richard Campbell moved that the House reconsider its action whereby it found **HB 1497-FN-L**, relative to retirement benefits, employer contributions to the retirement system, and the retirement system board of trustees, Inexpedient to Legislate, and spoke in favor.

Reps. McGovern, Reidy, Beverly Gage, Chambers and Robert Wheeler spoke against.

Rep. Ward spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

Reps. Salatiello and Musler declared that a conflict of interest existed and they did not participate.

The question being the adoption of the motion to reconsider.

**YEAS 131****NAYS 210****YEAS 131****BELKNAP**

Accornero, Harry  
 Johnson, Carl R.  
 Vogler, Charles C.

Campbell, Richard H., Jr.  
 Rice, Thomas E. P., Jr.  
 Zaharchuk, Peter J., Jr.

Holbrook, Robert G.  
 Rosen, Ralph J.  
 Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.  
 Chandler, Gene G.

Beach, Mildred A.  
 Dickinson, Howard C.

Bradley, Jeb E.

**CHESHIRE**

Cole, Stacey W.  
 Kennison, Wayne A.  
 Mohr, Frederick C., Jr.

Feuer, Joseph N.  
 LaMar, David M.  
 Perry, David M.

Hunt, John B.  
 Laurent, John J.  
 Sawyer, Alfred P.

**COOS**

Buckley, C. Fitzgerald  
 Merrill, Gerald P.

Horton, Lynn C.  
 Pratt, Leighton C.

Marsh, Beaton

**GRAFTON**

Adams, Carl S.  
 Brown, Patricia B.  
 Hill, Richard L.  
 Shackett, Ralph E.  
 Ward, Kathleen W.

Bean, Pamela B.  
 Christy, C. Dana  
 Lougee, Richard W.  
 Stewart, Roger D.

Brown, Channing T.  
 Driscoll, William J.  
 Markley, J. Keith  
 Trelfa, Richard T.

**HILLSBOROUGH**

Ahrens, Frederick G.	Alukonis, David J.	Amidon, Eleanor H.
Andrews, Frederick B.	Arnold, Barbara E.	Calawa, Leon, Jr.
Daigle, Robert A.	Drolet, Paul L.	Elliott, Larry G.
Emerton, Lawrence A.	Ferlan, Arthur P.	Ford, Nancy M.
Green, Scott E.	Holden, Carol H.	Hultgren, David D.
Jasper, Shawn N.	Kelley, Robert N.	Kurk, Neal M.
Lachut, Ervin R.	Lawrence, Eva M.	Lown, Elizabeth D.
McCann, Bonnie Lou	McNerney, Daniel P.	Moore, Elizabeth A.
Packard, Bonnie B.	Peters, Stanley W.	Record, Alice B.
Riley, Frances L.	Rodgers, G. Philip	Sallada, Roland A.
Searles, Stanley N., Sr.	Smith, Leonard A.	Stiles, Walter A.
Tarpley-Bamberger, Nancy L.	Tate, Joan C.	

**MERRIMACK**

Asplund, Bronwyn L.	Barberia, Richard A.	Boucher, Laurent J.
Chandler, Earle W.	Chandler, John P.	Fair, Patricia A.
Feuerstein, Martin	Gross, Caroline L.	Hager, Elizabeth S.
Hall, Douglas E.	Hayes, Robert C.	Hill, Michael J.
Holmes, Mary C.	Kidder, William F.	Lewis, Mary Ann
Lockwood, Robert A.	Nichols, Avis B.	Stio, Peter M.
Teague, Bert	Weeks, John F., Jr.	Whittemore, James A.

**ROCKINGHAM**

Boucher, William P.	Dowd, Sandra K.	Drake, Herbert R.
Felch, Charles H., Sr.	Flanders, John W., Sr.	Greene, Elizabeth A.
Hoelzel, Kathleen M.	Katsakiores, George N.	McCarthy, John J., Jr.
McKinney, Betsy	Roulston, Donald L.	Rubin, George R.
Seward, Russell G.	Skinner, Patricia M.	Smith, Arthur W.
Sytek, Donna P.	Welch, David A.	Weyler, Kenneth L.

**STRAFFORD**

Bickford, Drucilla	Corte, Arthur B.	Douglass, Clyde J.
Flynn, Edward J.	Foss, Patricia H.	Keans, Sandra B.
Marston, Robert E.	Parks, Joe B.	Pelley, Janet R.
Young, John B.		

**SULLIVAN**

Domini, Irene C.	Krueger, Richard H.	Middleton, John A.
Peyron, Fredrik	Rodeschin, Beverly T.	Walsh, Robert R.

**NAYS 210  
BELKNAP**

Bartlett, Gordon E.	Cain, Thomas G.	Dewhirst, Glenn E.
Golden, Paul A.	Hawkins, Robert S.	Joscelyn, William W.
Maviglio, Steven R.	Shibley, Arnold P.	Turner, Robert H.

**CARROLL**

Daly, Robert J., Jr.	Jean, Robert R.	Saunders, Howard N.
Wiggin, Allen R.	Wiggin, Gordon E.	

**CHESHIRE**

Burnham, Daniel M.	Clark, Eugene W.	Cole, Kenneth A.
Crutchley, Donald O.	Doucette, Richard F.	Foster, Katherine D.



Grodin, Richard A.  
Lynch, Margaret A.  
Riley, William A.

Hogan, James B.  
Pearson, Gertrude B.

Kingsbury, H. Thayer  
Pratt, Irene A.

### COOS

Brungot, Catherine V.  
Hawkinson, Marie C.  
Nelson, Harold D.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Oliver, Terry D.

Guay, Lawrence J.  
Mayhew, Josephine  
Theriault, Romeo J.

### GRAFTON

Arnesen, Deborah L.  
Guest, Robert H.  
McIlwaine, Deborah P.  
Scanlan, David M.

Chambers, Mary P.  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.

Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
White, Paul R.

### HILLSBOROUGH

Ackerman, Philip M.  
Baroody, Benjamin C.  
Buckley, Raymond  
Chasse, Richard D.  
Cote, David E.  
Daniels, Gary L.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Fields, Dennis H.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Healy, Daniel J.  
Jean, Romeo W.  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Lozeau, Donnalee M.  
McDowell, James E.  
Messier, Irene M.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Rothhaus, Finlay C.  
Upton, Barbara A.  
Wheeler, Robert L.

Baker, George H., Sr.  
Bourque, Ann J.  
Burke, Stephen J.  
Clemons, Jane A.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Gage, Ruth E.  
Goulet, Maurice E.  
Hall, Betty B.  
Healy, Walter F.  
Johnson, Lionel W.  
Kelley, Dana F.  
Laughlin, J. Francis  
Martin, Mary Ellen  
McRae, Karen K.  
Murphy, Robert E.  
Ouellette, Robert O.  
Reidy, Frank J.  
Soucy, Donna M.  
Vanderlosk, Stanley R.  
White, John M.

Baldizar, Barbara J.  
Bowers, Dorothy C.  
Carpenter, Karen A.  
Cook, Valerie S.  
Crotty, Edward J.  
Desrosiers, William J.  
Donovan, Francis X.  
Ferguson, Charles  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Janas, Gregory  
Jordan, Mary H.  
King, Frank P.  
Lawrence, Norman B.  
Mason, Howard F.  
Mercer, Robert S.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Robinson, Ellen-Ann  
Turgeon, Roland M.  
Wheeler, David K.  
Wright, George W.

### MERRIMACK

Apple, Lowell D.  
Daneault, Gabriel J.  
Jacobson, Alf E.  
Letourneau, George E.  
Smith, Gerald R.  
Wallner, Mary Jane

Braiterman, Thea  
Dunn, Miriam D.  
Johnson, C. William  
Millard, Elizabeth S.  
Soldati, Jennifer G.  
Yeaton, Charles B.

Carter, Susan D.  
Fillion, Paul R.  
Johnson, Joyce M.  
Molner, Mary E.  
Trombly, Rick A.

### ROCKINGHAM

Barnes, John S., Jr.  
Buco, Stephen W.  
Christie, Andrew, Jr.

Bell, Juanita L.  
Campbell, Marilyn R.  
Chulack, Peter G., Sr.

Brown, Jeffrey M.  
Caswell, Albert, Jr.  
Clark, Martha Fuller

Coffey, John J.  
 Cooke, Annette M.  
 Flanders, David A.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Hynes, Carolyn E.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 Magoon, Harold F.  
 McGovern, Cynthia A.  
 Palazzo, Frank J.  
 Schanda, Joseph, Sr.  
 Thayer, Leroy C.  
 Warburton, Calvin

Connell, David R.  
 Dowling, Patricia A.  
 Flanders, Harry E.  
 Griebisch, Linda  
 Hurst, Sharleene P.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 Malcolm, Kenneth W.  
 Melnick, Roy E.  
 Raynowska, Bernard J.  
 Syracuse, Anthony  
 Tufts, Arthur  
 Wells, Henry E.

Conroy, Janet M.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Haynes, Richard  
 Hutchinson, Karen K.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 MacKinnon, Nancy W.  
 McCain, William F.  
 Packard, Sherman A.  
 Rosencrantz, James R.  
 Terninko, Margaret B.  
 Vaughn, Charles L.

#### STRAFFORD

Frechette, Roland A.  
 Hashem, Elaine M.  
 McCann, William H., Jr.  
 O'Brien, John  
 Sullivan, Henry P.  
 Vincent, Francis C.

Gilmore, Gary R.  
 Jankowski, Peter M.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Torr, Ralph W.  
 Wall, Janet G.

Hambrick, Patricia A.  
 Knowles, William V.  
 Nehring, William H.  
 Spencer, Leo J.  
 Tsiros, William  
 Wheeler, Katherine W.

#### SULLIVAN

Allison, David C.  
 Flint, Gordon B.  
 Schotanus, Merle W.

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Stamatakis, Carol M.

Burling, Peter Hoe  
 Porter, Robert H.

and reconsideration lost.

#### REGULAR CALENDAR (continued)

**HB 1105**, relative to requiring disclosure of campaign contributions by candidates for local and school district elections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Calvin Warburton for Constitutional and Statutory Revision: This requires the same type of report on expenditures as is required by State Representatives. The only difference is that the reports will be filed with town or city clerks instead of the Secretary of State. This is just enabling legislation. Vote 9-1.

5135L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to disclosure of campaign contributions by candidates for  
 local and school district elections.

Amend the bill by replacing all after the enacting clause with the following:

1 Reporting Requirements Applicable to Local Elections. Amend RSA 664:1 to read as follows:

664:1 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general, and special elections, **and to all city, town, school district and village district elections in cities, towns, school districts, and village districts which have adopted the provisions of RSA 664:1-a**, but shall not apply to presiden-

tial preference primaries. The provisions relating to political advertising, RSA 664:14 through 17-a, shall additionally apply to city, town, school district and village district elections **without an affirmative vote to adopt those provisions**. The provisions relating to voluntary expenditure limitations, RSA 664:5-a and 664:5-b, shall additionally apply to elections for United States senator and representative to Congress, **but shall not apply to any city, town, school district, or village district elections**.

2 New Section; Political Contributions and Candidates at Local Elections. Amend RSA 664 by inserting after section 1 the following new section:

664:1-a Reporting Requirements for and Prohibited Political Contributions to Candidates at Local and School District Elections.

I. Each city, town, school district, and village district may adopt, under paragraph II, the provisions of RSA 664:4 and 664:7. If a city, town, school district, or village district votes to adopt these provisions, then the provisions of RSA 664 relative to reporting requirements for campaign contributions, and the prohibitions against making certain political contributions shall also apply to all candidates in the city, town, school district, or village district election.

II. Each town, city, school district, and village district may adopt the provisions of RSA 664:4 and 664:7 relative to reporting requirements for campaign contributions and prohibitions against making certain political contributions, in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. If the official ballot is not used for voting on such a question, the prescribed wording shall be placed in the warrant, and may also be placed upon a pre-printed ballot to be acted upon in open meeting in the same manner as a secret "yes-no" ballot under RSA 40:4-a.

(b) In a city, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. The legislative body of a city may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(c) In a village district, the question shall be considered and acted upon at an annual or special district meeting according to the provisions of RSA 52:11-a.

(d) In a school district, the question shall be considered and acted upon at an annual or special meeting according to the provisions of RSA 197:1-10. In a cooperative school district, the question shall be considered and acted upon according to the provisions of RSA 195:13.

III. If a majority of those voting on the question vote "Yes," RSA 664:4 and 664:7 shall apply within the city, town, school district, or village district on the date set by the governing body.

IV.(a) Any city, town, school district, or village district which has adopted RSA 664:4 and 664:7 may rescind its action in the manner described in paragraph II. The wording of the question shall be the same as set out on the ballot, except that the word "adopt" shall be changed to "rescind."

(b) If a majority of those voting on the question vote "Yes," then as of the next January 1, RSA 664:4 and 664:7 shall not apply within the city, town, school district, or village district.

3 Prohibited Political Contributions; Local Elections. Amend the introductory paragraph of RSA 664:4 to read as follows:

No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, or political party, or in behalf of a candidate or political committee or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate or political party at any state primary or general election, or at any city, town, school district, or village district election in a city, town, school district, or village district which has adopted the provisions of RSA 664:1-a:

4 Reporting Requirements by Candidates in Local Elections. Amend RSA 664:7 to read as follows:

664:7 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, and each candidate at any city, town, school district, or village district election in a city, town, school district, or village district which has adopted the provisions of RSA 664:1-a, who has expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

II. Each candidate of any city, town, school district, or village district election who is required to file statements under paragraph I, shall file such statements with the appropriate city, town, school district, or village district clerk rather than with the secretary of state.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

Under present law reporting requirements for campaign contributions and expenditures only apply to candidates for state and county offices. This bill extends existing reporting requirements to candidates in city, town, school district, and village district elections, if the voters in a city, town, school district, or village district vote to adopt those requirements.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1176**, relative to a state referendum question on increasing the size of the senate and decreasing the size of the house. **INEXPEDIENT TO LEGISLATE.**

Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: The committee feels that this referendum is not necessary. It would just confuse the voter. Vote 11-1.

Rep. Teague spoke to the bill.

Rep. Warburton spoke in favor.

Adopted.

**HB 1245-FN**, implementing the model landscape care act in New Hampshire relative to the application of landscape care products. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda Griebsch for the Majority of Environment and Agriculture: The Committee discussed the good reputation of the pesticide program in New Hampshire and after reviewing the administrative rules of the Pesticide Board and a hearing on the amendment, it was passed by the Majority of the Committee. Vote 8-5.



Rep. Betty B. Hall for Environment and Agriculture: The Pesticide Board has operated for more than 20 years under its present authority. The Minority believes that there is no demonstrated need to give it additional authority over local communities. If the Board needs additional powers, it should be addressed in a bill, not a non-germane amendment.

Rep. Musler moved that the words Refer for Interim Study for the report of the Committee, Ought to Pass with Amendment, and spoke in favor.

Referred for Interim Study.

**HB 1439**, instituting a motor vehicle emissions inspection program and requiring a study of the impact of diesel fuel and vehicles on the environment. **OUGHT TO PASS WITH AMENDMENT.**

Reps. Jeb E. Bradley, Bonnie L. McCann, Gregory L. Hanselman, Amanda A. Merrill, Robert A. Daigle, Irene M. Messier and David M. Scanlan for Environment and Agriculture: This bill, as amended, represents the best effort of the Committee to address the serious issue of air quality in New Hampshire. As proposed, this legislation allows the House and Senate to develop a detailed vehicle testing program when EPA regulations are finalized. House Bill 1439 was developed with the assistance of both business and environmental interests, DES, DOT, and DRED who concur with the Committee that this legislation protects public health and the environment while insuring opportunities for future growth to the New Hampshire business community. This bill requires that future legislation be drafted by the House Environment and Agriculture Committee and/or Senate Environment Committee. This bill does not allow DES to create vehicle testing regulations without legislative authority. Vote 13-1.

5170L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

instituting a motor vehicle emissions inspection program and requiring  
a study of diesel and other vehicles.

Amend the bill by replacing all after the enacting clause with the following:

#### I Findings and Purpose.

I.(a) The general court finds that it is the goal of the Clean Air Act Amendments (CAAA) of 1990 to improve public health in the United States through significant reductions in air pollution. The United States Environmental Protection Agency (EPA) has designated certain areas of New Hampshire as serious ozone non-attainment areas as indicated by air monitoring. Ground level ozone in these non-attainment areas exceeds the levels established under the Clean Air Act as safe for human health.

(b) The CAAA mandates a 15 percent reduction in emissions causing ground level ozone by the year 1996 and 24 percent by 1999 in serious non-attainment areas.

(c) Because motor vehicles account for a majority of the emissions which result in excessive levels of ground level ozone, these mandated reduction can be most effectively achieved through an aggressive motor vehicle inspection and maintenance program.

II. Under the Clean Air Act Amendments industries in the United States are subject to new and more stringent emissions controls. If the CAAA requirements are not fulfilled in New Hampshire, industries may be subject to even more stringent

additional emissions controls. The possibility of these further emissions controls subjects many New Hampshire industries to a high degree of uncertainty and could discourage economic growth.

III. The CAAA calls for sanctions against industry and highway funds in the event of non-compliance. Industrial sanctions will create a significant disincentive to expand or locate industrial enterprises in the state. The general court finds that it is of utmost importance that New Hampshire's state implementation plan for compliance with the CAAA shall provide an unequivocally clear emission reduction margin to insure economic growth and quality job opportunities for New Hampshire citizens and to prevent the potential loss of significant amounts of federal transportation funds.

IV. The purpose of this act is to demonstrate the commitment of the general court to meet the requirements of the CAAA by implementing an enhanced motor vehicle inspection and maintenance program in the state of New Hampshire. Enactment of this enhanced program shall serve as a critical step toward the achievement of cleaner air for New Hampshire citizens. This act shall further serve to mitigate economic uncertainty by assuring that motor vehicle emissions are reduced by a margin sufficient to guarantee compliance with the CAAA.

2 Enhanced Program Required. An enhanced motor vehicle inspection and maintenance program which shall comply with the CAAA of 1990 and related regulations promulgated by the EPA, and which addresses the long-term best interests of the economy and environment of New Hampshire, shall be implemented in the state of New Hampshire no later than July 1, 1994. The department of safety shall administer and enforce the program and the department of environmental services shall set the emission standards and testing requirements.

3 Proposed Legislation. Upon the issuance of enhanced motor vehicle inspection and maintenance regulations by the EPA, the house environment and agriculture and the senate environment committees, with the assistance of the department of environmental services, the department of safety, the department of transportation, and the department of resources and economic development, shall recommend legislation for introduction in the next legislative session relative to the administration and enforcement and setting of standards and testing requirements for an enhanced motor vehicle inspection and maintenance program in the state of New Hampshire which complies with the requirements of section 2 of this act.

4 Diesel and Other Exempted Vehicles Study. The house environment and agriculture and the senate environment committees shall study the impact on human health and the environment of certain motor vehicles and their emissions which are currently or proposed to be exempted from certain motor vehicle emissions and air quality laws, regulations, or standards, including but not limited to diesel, electric, or propane powered vehicles; vehicles of model year 1967 and older; vehicles over 8,500 pounds; and motorcycles. The committees shall make a recommendation on their findings, including any proposed legislation, by November 1, 1992.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill institutes a motor vehicle emissions inspection program to be implemented no later than July 1, 1994. The house environment and agriculture and the senate environment committees shall recommend legislation relative to the administration of such program once the Environmental Protection Agency issues its regulations on the program.

The house environment and agriculture and the senate environment committees shall also study the impact of diesel and other exempted motor vehicles and their emissions on the environment and human health.

Adopted.

Report adopted.

Ordered to third reading.

**(Rep. Michael Hill in the Chair)**

**HB 1456-FN**, relative to health insurance for state employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen W. Ward for Executive Departments and Administration: This legislation proposed a plan to address health insurance for state employees. This matter is presently in negotiations between employer and employees, therefore, no legislation is required at this time. Vote 10-1.

Adopted.

**HB 1128**, classifying certain misdemeanors as either class A or class B. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donnalee M. Lozeau for Judiciary: This bill was encouraged by the House last year. The issues contained within the bill are items that we have discussed numerous times within the Committee. The study committee that met had significant input to the full Committee and we chose to adopt their recommendations. Vote 13-2.

5197L

**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Misdemeanors Reclassification. RSA 625:9, IV is repealed and reenacted to read as follows:

IV. Misdemeanors are either class A misdemeanors or class B misdemeanors when committed by an individual. Misdemeanors committed by a corporation or an unincorporated association are unclassified.

(a) A class A misdemeanor is:

(1) Any crime so designated by statute within or outside this code and any crime defined outside of this code for which the maximum penalty, exclusive of fine, is imprisonment not in excess of one year; or

(2) Any crime designated within or outside this code as a misdemeanor, without specification of the classification.

(b) A class B misdemeanor is any crime so designated by statute within or outside this code and any crime defined outside of this code for which the maximum penalty does not include any term of imprisonment or any fine in excess of the maximum provided for a class B misdemeanor in RSA 651:2, IV(a).

2 New Paragraphs; Reduction of Class A Misdemeanor Offense to Class B Misdemeanor; Disposition of Certain Misdemeanor Records. Amend RSA 625:9 by inserting after paragraph VI the following new paragraphs:

VII. The state may change any offense designated or defined as a class A misdemeanor as defined by paragraph IV to a class B misdemeanor if such change is in the interest of public safety and welfare and is not inconsistent with the societal goals of deterrence and prevention of recidivism, as follows:

(a) In its own discretion prior to or at the time of arraignment in the district court;

(b) In its own discretion following an entry of appeal in the superior court or within 20 days thereafter; or

(c) With the agreement of the person charged at any other time.

VIII. If a person convicted of a class A misdemeanor has been sentenced and such sentence does not include any period of incarceration or any fine in excess of the maximum provided for a class B misdemeanor in RSA 651:2, IV(a), the court shall record such conviction and sentence as a class B misdemeanor.

3 Class B Misdemeanor Bail; Reference Added. Amend the introductory paragraph of RSA 597:2, III to read as follows:

III. If the court or justice determines that the release described in paragraph II will not reasonably assure the appearance of the person as required or, **as described in paragraph II or VI**, will endanger the safety of the person or of any other person or the community, he shall issue an order that includes the following conditions:

4 New Paragraph; Class B Misdemeanor Defendant Detention Limited. Amend RSA 597:2 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any law to the contrary, upon the appearance of a person charged with a class B misdemeanor, the court or justice shall issue an order that, pending trial, the person be released on his personal recognizance, unless the court determines that such release will endanger the safety of the person or of any other person or the community. The court shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

5 Class B Misdemeanor; Right to Sound Recording. Amend RSA 502-A:27-d to read as follows:

502-A:27-d Use of Recording Devices. Upon petition by any party the court may, in its discretion, allow said party to record the proceedings by any recording device. The recordings shall be made at the expense of the petitioner, except as provided under RSA 599:1-c for violations. If in a criminal proceeding the defendant is indigent, the defendant shall upon request at least 5 days prior to any hearing or trial be entitled to a sound recording of the proceedings at state expense. **The court shall give written notice to a defendant charged with a class B misdemeanor that the defendant shall, upon request at least 5 days prior to any hearing or trial, be entitled to a sound recording of the proceedings at state expense.**

6 Class A Misdemeanors; Appeals. Amend RSA 599:1 to read as follows:

599:1 Appeals. A person sentenced by a district or municipal court for a class A misdemeanor [or for any offense which provides the basis for enhanced penalties if the offender is subsequently convicted of the same offense, or who has been sentenced by the imposition of a civil penalty bringing the total fines and penalties for a violation to an amount in excess of \$500], **with a sentence which includes actual incarceration, or a suspended or deferred jail sentence, or fine in excess of the maximum provided for a class B misdemeanor in RSA 651:2, IV(a)**, may, at the time the sentence is declared, appeal therefrom to the superior court. The appeal shall be entered by the appellant at the next return day unless for good cause shown the time is extended by the superior court. In all misdemeanor cases which are so appealed or in which defendants are bound over it shall be the duty of the superior court to transmit to the justice of the district or municipal court, within 10 days after the case is finally disposed of, a certificate showing the final disposition of the case.

7 Bail Jumping; Reference Added. Amend RSA 642:8, III(a)(3) to read as follows:



(3) A **class A** or **class B** misdemeanor, he shall be fined not more than \$2,000 or imprisoned for not more than one year, or both;

8 Sentences and Limitations; Reference Added. Amend RSA 651:2, I and II to read as follows:

I. A person convicted of a felony or a **class A** misdemeanor may be sentenced to imprisonment, probation, conditional or unconditional discharge, or a fine.

II. If a sentence of imprisonment is imposed, the court shall fix the maximum thereof which is not to exceed:

(a) Fifteen years for a **class A** felony,

(b) Seven years for a **class B** felony,

(c) One year for a **class A** misdemeanor,

(d) Life imprisonment for murder in the second degree, and, in the case of a felony only, a minimum which is not to exceed 1/2 of the maximum, or if the maximum is life imprisonment, such minimum term as the court may order.

9 New Paragraph; **Class B Misdemeanors**. Amend RSA 651:2, III to read as follows:

III. A person convicted of a **class B misdemeanor** or a violation may be sentenced to probation, conditional or unconditional discharge, or a fine.

10 **Class B Misdemeanor**; Fine Added. Amend RSA 651:2, IV(a) to read as follows:

(a) Any individual may not exceed \$4,000 for a felony, \$2,000 for a **class A** misdemeanor, **\$1,200 for a class B misdemeanor**, and \$1,000 for a violation.

11 New Paragraph; **Annulment of Class B Misdemeanor Conviction**. Amend RSA 651:5 by inserting after paragraph XV the following new paragraph:

XVI. If a person who has been convicted and sentence for a **class B misdemeanor** has complied with all the terms and conditions of his sentence, he may, at any time after one year following completion of such terms and conditions, apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence. If such person has committed no felony or misdemeanor during a period which extends from the date of sentencing until one year following the completion of the terms of his sentence, the court shall enter an order annulling such conviction. The court shall, at the time of sentencing, provide written notice to a person convicted of and sentenced for a **class B misdemeanor** that the person has the right to apply to the court to annul the record of conviction and sentence. Procedures governing the entry of an order annulling a conviction shall be established by the administrative office of the courts and the department of safety. No court shall order an annulment pursuant to this paragraph of any record of conviction which may be counted towards habitual offender status as defined in RSA 259:39, until 7 years after the date of such conviction.

12 New Paragraph; **Criminal Mischief Penalty Reclassified**. Amend RSA 634:2 by inserting after paragraph II the following new paragraph:

II-a. Criminal mischief is a **class A misdemeanor** if the actor purposely causes or attempts to cause pecuniary loss in excess of \$100 and not more than \$1,000.

13 **Unauthorized Entry Penalty Reclassified**; Reference Added. Amend RSA 635:5 to read as follows:

635:5 **Penalty**. Any person who is found removing, defacing or destroying any sign, poster or property of another shall be guilty of a **class B misdemeanor**.

14 **Theft Penalty**; **Enhancement Reclassified**. Amend RSA 637:11, II(b) to read as follows:

(b) The actor has been twice before convicted of theft of property or services, **as a felony or class A misdemeanor, or**

15 Forgery Penalty Reclassified; Reference Added. Amend RSA 638:1, IV and V to read as follows:

IV. All other forgery is a **class B** misdemeanor.

V. A person is guilty of a **class B** misdemeanor if he knowingly possesses any writing that is a forgery under this section or any device for making any such writing. It is an affirmative defense to prosecution under this paragraph that the possession was without an intent to defraud.

16 Deceptive Business Practices Penalty Reclassification; Reference Added. Amend the introductory paragraph of RSA 638:6, I to read as follows:

I. A person is guilty of a **class B** misdemeanor if, in the course of business, he:

17 Criminal Defamation Penalty Reclassified; Reference Added. Amend RSA 644:11, I to read as follows:

I. A person is guilty of a **class B** misdemeanor if he purposely communicates to any person, orally or in writing, any information which he knows to be false and knows will tend to expose any other living person to public hatred, contempt or ridicule.

18 Emergency Call Penalty Reclassified; Reference Added. Amend RSA 644:12 to read as follows:

644:12 Emergency Calls. A person is guilty of a **class B** misdemeanor if he purposely refuses to yield the use of a telephone party line upon being informed that it is needed for any call to summon fire, police or medical assistance; to invoke or operate the civil defense system; or otherwise to deal with an immediate threat to life or health.

19 Adultery Penalty Reclassified; Reference Added. Amend RSA 645:3 to read as follows:

645:3 Adultery. A person is guilty of a **class B** misdemeanor if, being a married person, he engages in sexual intercourse with another not his spouse or, being unmarried, engages in sexual intercourse with another known by him to be married.

20 Willful Concealment and Shoplifting; Penalties. Amend RSA 644:17-a, II to read as follows:

II. **If a person is convicted of willful concealment or shoplifting the court shall order, except if such person is indigent,** the civil damages provided for in this section [shall be in addition to] **and** any penalties provided for in RSA 644:17, IV.

21 Applicability. This act shall apply to all offenses committed on or after July 1, 1992.

22 Repeal. The following are repealed:

I. RSA 637:9, II, relative to unauthorized use of propelled vehicle penalties.

II. The introductory paragraph of RSA 637:11, relative to a penalty exception.

23 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill:

(1) Designates certain misdemeanors as class B, crimes for which the maximum penalty is a fine not to exceed \$1,200. Class A misdemeanors are defined as having a maximum penalty of imprisonment for 1 year and a fine not to exceed \$2,000.

(2) Permits the state, at arraignment, after entry of appeal to superior court, or at any time with the agreement of the person charged, to reduce a class A misdemeanor to a class B.

(3) Provides that if a person is convicted of a class A misdemeanor but only sentenced to a fine not exceeding the maximum fine for a class B misdemeanor, the court shall record the conviction and sentence as a class B misdemeanor.

(4) Limits the authority of a court to detain a person charged with a class B misdemeanor.

(5) Prohibits a person convicted of a class B misdemeanor from appealing to the superior court.

(6) Requires the court to provide written notice to any person convicted of a class B misdemeanor that he has the right to apply to the court for an order to annul the conviction and sentence any time after one year following completion of the terms of the sentence. The order shall be issued provided the person has not committed a felony or misdemeanor during the period extending 1 year from sentencing to 1 year after completion of the terms of the sentence.

(7) Designates certain misdemeanors as class B misdemeanors.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1179**, relative to service of civil process by private citizens. **INEXPEDIENT TO LEGISLATE.**

Rep. Janet G. Wall for Judiciary: The Majority of the Committee believes that although the concept of the bill is good, it seems to address a localized problem in only two counties. There is considerable concern that the bill does not provide for record-keeping, nor is the issue of liability addressed. Sheriffs testified against changes which would take place if this bill is enacted. Vote 10-7.

Adopted.

**HB 1187**, making it first degree assault to knowingly or recklessly cause serious bodily injury to a person under 13 years of age. **OUGHT TO PASS.**

Rep. Richard H. Campbell, Jr. for Judiciary: This bill makes it a first degree assault to knowingly or recklessly cause serious bodily injury to a person under 13 years of age. "Serious bodily injury" is defined in statute, and is for more than any corporal punishment by a parent or guardian. Vote 14-3.

Adopted.

Ordered to third reading.

**HB 1257**, making consumption of alcoholic beverages by persons under 21 a violation. **INEXPEDIENT TO LEGISLATE.**

Rep. Donnalee M. Lozeau for Judiciary: The Committee felt that this issue could not be addressed by trying to force a minor to take a test to reveal whether they have been drinking. With no "implied consent" law able to apply to this issue the Committee found this to be impossible to enforce. Vote 12-4.

Adopted.

**HB 1275**, relative to death with dignity for certain persons suffering terminal illness. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert A. Lockwood for the Majority for Judiciary: It was obvious from the first moments of Committee discussion that there were very deep and conflicting

opinions over what passage of this bill would mean. It also became readily apparent that a substantial majority of the Committee was not ready to make a final recommendation at this time because of the enormity, the complexity, the magnitude, and the finality of some of the issues and outcomes that would arise if this bill became law. Some of the issues were co-existent with present law, abuse, and the appropriate role of government relative to this subject matter. Vote 11-6.

Rep. Alice B. Record for the Minority for Judiciary: The original motion was made by Rep. Record to make this bill Inexpedient to Legislate as a concern to doctors in having taken their Hippocratic Oath to aid people in living and now being asked for assistance in dying. Secondly, the potential abuses that this bill could create were worrisome to the doctors as a whole. This motion was substituted by the Committee to send this bill to Interim Study. The Minority felt that this bill has been studied enough, and should be voted up or down.

Referred for Interim Study.

**HB 1293**, waiving a person's fifth amendment rights in certain divorce actions where adultery is alleged. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donnalee M. Lozeau for Judiciary: The Committee felt that it was impossible for anyone under any circumstances to legislatively waive these fifth amendment rights. Vote 14-2.

5235L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

reducing the penalty for adultery from a misdemeanor to a violation.

Amend the bill by replacing section 1 with the following:

1 Adultery; Penalty Modified. Amend RSA 645:3 to read as follows:

645:3 Adultery. A person is guilty of a [misdemeanor] **violation** if, being a married person, he engages in sexual intercourse with another not his spouse or, being unmarried, engages in sexual intercourse with another known by him to be married.

#### **AMENDED ANALYSIS**

This bill reduces the penalty for adultery from a misdemeanor to a violation.

Rep. Jasper spoke against.

Rep. Lozeau spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1324-FN**, extending the minimum period for driver's license suspension or revocation for a drug offense to 6 months and expanding the advice by a law enforcement officer relative to implied consent testing for DWI. **INEXPEDIENT TO LEGISLATE**

Rep. Richard M. Campbell, Jr. for Judiciary: This bill was presented as necessary to avoid losing federal funds. Recent information indicates doubt that the bill would pass federal muster without further revision. The bill also included loss of driver's license for drug offenses not related to motor vehicles. Vote 13-3.

Adopted.



**HB 1381**, establishing a procedure to be used in the absence of a living will if the wishes of the terminally ill or permanently unconscious patient were known to other persons. REFER FOR INTERIM STUDY

Rep. Peter Hoe Burling for Judiciary: The Committee felt the bill required further work. Of particular interest are those issues which deal with the power of relatives to make life or death decisions for a terminally ill patient, both individually and as a group (with potentially conflicting views of how their ill relative should be treated). Vote 12-5.

Referred for Interim Study.

**HB 1407**, repealing laws relative to abortion. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Peter Hoe Burling for the Majority of Judiciary: The majority feels that the time has arrived for us to repeal the three 1848 laws relative to abortion. The decision by the U.S. Supreme Court to review the doctrine of Roe v Wade makes it essential that we have clear, enforceable laws on the books relative to matters of choice in reproduction. The existing laws are anything but clear (two are completely unenforceable), and their removal from the statute books is timely and appropriate. Vote 15-3.

Rep. David D. Hultgren for the Minority of Judiciary: This bill repeals all existing laws relative to abortion, allowing abortion for any reason until the birth of the child. It would provide New Hampshire with an abortion policy more liberal than Roe v Wade, and would be declaring open season on human life within the womb.

Rep. Hultgren moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass, spoke in favor and yielded to questions.

Reps. Lown and Trombly spoke against and yielded to questions.

Rep. Healy requested a quorum count.

The Speaker declared a quorum present.

Rep. Healy spoke in favor.

Reps. Elizabeth Greene and Burling spoke against.

Rep. Carter spoke in favor and yielded to questions.

### (Speaker Burns in the Chair)

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

### YEAS 127

Accornero, Harry  
Golden, Paul A.  
Rice, Thomas E. P., Jr.

**YEAS 127**  
**BELKNAP**  
Bartlett, Gordon E.  
Holbrook, Robert G.  
Rosen, Ralph J.

### NAYS 207

Dewhirst, Glenn E.  
Johnson, Carl R.  
Zaharchuk, Peter J., Jr.

### CARROLL

Jean, Robert R.

### CHESHIRE

Cole, Stacey W.  
Laurent, John J.

Doucette, Richard F.  
Sawyer, Alfred P.

Hogan, James B.

### COOS

Brungot, Catherine V.  
Guay, Lawrence J.

Buckley, C. Fitzgerald  
Oliver, Terry D.

Coulombe, Henry W.  
Theriault, Romeo J.

**GRAFTON**

Driscoll, William J.  
Shackett, Ralph E.

Markley, J. Keith

Nielsen, Niels F., Jr.

**HILLSBOROUGH**

Arnold, Barbara E.  
Bourque, Ann J.  
Carpenter, Karen A.  
Daniels, Gary L.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Healy, Walter F.  
Janas, Gregory  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Lawrence, Eva M.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Pepino, Leo P.  
Searles, Stanley N., Sr.  
Wheeler, Robert L.

Asselin, Robert P.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Gosselin, Gerald O.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Jasper, Shawn N.  
Kelley, Robert N.  
Larochelle, Roger B.  
Lawrence, Norman B.  
McDowell, James E.  
Ouellette, Robert O.  
Riley, Frances L.  
Turgeon, Roland M.  
White, John M.

Baker, George H., Sr.  
Calawa, Leon, Jr.  
Cook, Valerie S.  
Desrosiers, William J.  
Donovan, Francis X.  
Fields, Dennis H.  
Goulet, Maurice E.  
Healy, Daniel J.  
Hultgren, David D.  
Jean, Romeo W.  
King, Frank P.  
Laughlin, J. Francis  
Leclerc, Charles J.  
McNerney, Daniel P.  
Paquette, Rodolphe G.  
Rothhaus, Finlay C.  
Wheeler, David K.  
Wright, George W.

**MERRIMACK**

Asplund, Bronwyn L.  
Carter, Susan D.  
Holmes, Mary C.  
Whittemore, James A.

Barberia, Richard A.  
Chandler, John P.  
Letourneau, George E.

Boucher, Laurent J.  
Daneault, Gabriel J.  
Stio, Peter M.

**ROCKINGHAM**

Barnes, John S., Jr.  
Brown, Jeffrey M.  
Connell, David R.  
Felch, Charles H., Sr.  
Hoelzel, Kathleen M.  
Katsakiores, Phyllis  
McCarthy, John J., Jr.  
Raynowska, Bernard J.  
Smith, Arthur W.  
Warburton, Calvin

Benton, Richardson D.  
Buco, Stephen W.  
Cooke, Annette M.  
Flanagan, Natalie S.  
Hynes, Carolyn E.  
Klemarczyk, Thaddeus E.  
McKinney, Betsy  
Rosencrantz, James R.  
Sytek, Donna P.  
Welch, David A.

Boucher, William P.  
Coffey, John J.  
Dowd, Sandra K.  
Flanders, Harry E.  
Katsakiores, George N.  
Magoon, Harold F.  
Palazzo, Frank J.  
Seward, Russell G.  
Thayer, Leroy C.

**STRAFFORD**

Frechette, Roland A.  
Sullivan, Henry P.

Marston, Robert E.  
Tsiros, William

Nehring, William H.

**SULLIVAN**

Domini, Irene C.  
Rodeschin, Beverly T.

Middleton, John A.

Peyron, Fredrik

### NAYS 207 BELKNAP

Cain, Thomas G.  
Joscelyn, William W.  
Shibley, Arnold P.  
Ziegra, Alice S.

Campbell, Richard H., Jr.  
Maviglio, Steven R.  
Turner, Robert H.

Hawkins, Robert S.  
Salatiello, Thomas B.  
Vogler, Charles C.

### CARROLL

Allard, Nanci A.  
Chandler, Gene G.  
Wiggin, Allen R.

Beach, Mildred A.  
Dickinson, Howard C.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Saunders, Howard N.

### CHESHIRE

Burnham, Daniel M.  
Feuer, Joseph N.  
Hunt, John B.  
LaMar, David M.  
Mohr, Frederick C., Jr.  
Pratt, Irene A.

Clark, Eugene W.  
Foster, Katherine D.  
Kennison, Wayne A.  
Lynch, Margaret A.  
Pearson, Gertrude B.  
Riley, William A.

Crutchley, Donald O.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Perry, David M.  
Young, David A.

### COOS

Hawkinson, Marie C.  
Mayhew, Josephine  
Pratt, Leighton C.

Horton, Lynn C.  
Merrill, Gerald P.

Kilbride, Dennis J.  
Nelson, Harold D.

### GRAFTON

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
Hill, Richard L.  
McIlwaine, Deborah P.  
Stewart, Roger D.  
Ward, Kathleen W.

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
White, Paul R.

Bean, Pamela B.  
Chambers, Mary P.  
Guest, Robert H.  
Lougee, Richard W.  
Scanlan, David M.  
Trelfa, Richard T.

### HILLSBOROUGH

Ackerman, Philip M.  
Andrews, Frederick B.  
Burke, Stephen J.  
Cowenhoven, Garret P.  
Drolet, Paul L.  
Ferguson, Charles  
Gage, Ruth E.  
Hanselman, Gregory L.  
Kelley, Dana F.  
Lown, Elizabeth D.  
McRae, Karen K.  
Moore, Elizabeth A.  
Peters, Stanley W.  
Rodgers, G. Philip  
Soucy, Donna M.  
Tate, Joan C.

Alukonis, David J.  
Baldizar, Barbara J.  
Clemons, Jane A.  
Crotty, Edward J.  
Durham, Susan B.  
Ferlan, Arthur P.  
Green, Scott E.  
Johnson, Lionel W.  
Kurk, Neal M.  
Lozeau, Donnalee M.  
Mercer, Robert S.  
Murphy, Robert E.  
Record, Alice B.  
Sallada, Roland A.  
Stiles, Walter A.  
Upton, Barbara A.

Amidon, Eleanor H.  
Buckley, Raymond  
Cote, David E.  
Daigle, Robert A.  
Dyer, Merton S.  
Ford, Nancy M.  
Hall, Betty B.  
Jordan, Mary H.  
Lachut, Ervin R.  
McCann, Bonnie Lou  
Messier, Irene M.  
Packard, Bonnie B.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.

**MERRIMACK**

Apple, Lowell D.  
Dunn, Miriam D.  
Fillion, Paul R.  
Hall, Douglas E.  
Jacobson, Alf E.  
Kidder, William F.  
Millard, Elizabeth S.  
Smith, Gerald R.  
Trombly, Rick A.  
Yeaton, Charles B.

Braiterman, Thea  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, C. William  
Lewis, Mary Ann  
Molner, Mary E.  
Soldati, Jennifer G.  
Wallner, Mary Jane

Chandler, Earle W.  
Feuerstein, Martin  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, Joyce M.  
Lockwood, Robert A.  
Nichols, Avis B.  
Teague, Bert  
Weeks, John F., Jr.

**ROCKINGHAM**

Bell, Juanita L.  
Christie, Andrew, Jr.  
Drake, Herbert R.  
Ford, Bert H.  
Haynes, Richard  
Hutchinson, Karen K.  
Klemm, Arthur P., Jr.  
MacKinnon, Nancy W.  
McGovern, Cynthia A.  
Roulston, Donald L.  
Skinner, Patricia M.  
Tufts, Arthur

Campbell, Marilyn R.  
Clark, Martha Fuller  
Flanders, David A.  
Greene, Elizabeth A.  
Hoar, John, Jr.  
Johnson, Robert A.  
Lovejoy, Virginia K.  
Malcolm, Kenneth W.  
Melnick, Roy E.  
Rubin, George R.  
Syracusa, Anthony  
Vaughn, Charles L.

Caswell, Albert, Jr.  
Conroy, Janet M.  
Flanders, John W., Sr.  
Griebsch, Linda  
Hurst, Sharleene P.  
Kane, Cecelia D.  
MacDonald, Joseph A.  
McCain, William F.  
Packard, Sherman A.  
Schanda, Joseph, Sr.  
Terninko, Margaret B.  
Weyler, Kenneth L.

**STRAFFORD**

Bickford, Drucilla  
Flynn, Edward J.  
Hambrick, Patricia A.  
Keans, Sandra B.  
Merrill, Amanda A.  
Parks, Joe B.  
Vincent, Francis C.  
Young, John B.

Corte, Arthur B.  
Foss, Patricia H.  
Hashem, Elaine M.  
Knowles, William V.  
O'Brien, John  
Pelley, Janet R.  
Wall, Janet G.

Douglass, Clyde J.  
Gilmore, Gary R.  
Jankowski, Peter M.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Spencer, Leo J.  
Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
Flint, Gordon B.  
Porter, Robert H.  
Walsh, Robert R.  
and the motion failed.  
Report adopted.  
Ordered to third reading.

Behrens, Thomas A.  
Krueger, Richard H.  
Schotanus, Merle W.

Burling, Peter Hoe  
Lindblade, Eric N.  
Stamatakis, Carol M.

**HB 1420**, permitting a law enforcement officer to intercept certain wire and oral communications without the consent of one of the parties to the communication. **INEXPEDIENT TO LEGISLATE.**

Rep. Janet G. Wall for Judiciary: The majority of the committee believes that this is a major first step towards invading the rights of private citizens through the use of audio and video tape recordings. There is tremendous potential for abuse. Without



establishing clear, mandatory standards concerning the uniform use of audio and video recordings, the bill essentially offers the police the opportunity to edit the evidence. Vote 9-6.

Rep. Andrew Christie moved that the words Ought to Pass with Amendment for the report of the Committee, Inexpedient to Legislate and spoke to his motion.

Rep. Leonard Smith spoke in favor.

Rep. Jasper spoke in favor and yielded to questions.

Rep. Burling spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

### **YEAS 55 NAYS 252**

#### **YEAS 55**

#### **BELKNAP**

Bartlett, Gordon E.  
Vogler, Charles C.

Campbell, Richard H., Jr. Golden, Paul A.

#### **CARROLL**

None

#### **CHESHIRE**

Hunt, John B.

Metzger, Katherine H.

Pearson, Gertrude B.

#### **COOS**

Buckley, C. Fitzgerald

Theriault, Romeo J.

#### **GRAFTON**

Adams, Carl S.

Nielsen, Niels F., Jr.

#### **HILLSBOROUGH**

Alukonis, David J.

Baker, George H., Sr.

Daigle, Robert A.

Daniels, Gary L.

Donovan, Francis X.

Emerton, Lawrence A.

Ferlan, Arthur P.

Healy, Walter F.

Hultgren, David D.

Jasper, Shawn N.

Jean, Romeo W.

Kelley, Dana F.

L'Heureux, Robert J.

Lachut, Ervin R.

McNerney, Daniel P.

Rodgers, G. Philip

Sallada, Roland A.

Searles, Stanley N., Sr.

Smith, Leonard A.

#### **MERRIMACK**

Johnson, C. William

#### **ROCKINGHAM**

Buco, Stephen W.

Campbell, Marilyn R.

Christie, Andrew, Jr.

Connell, David R.

Cooke, Annette M.

Drake, Herbert R.

Flanders, David A.

Flanders, John W., Sr.

Haynes, Richard

MacKinnon, Nancy W.

Malcolm, Kenneth W.

McKinney, Betsy

Melnick, Roy E.

Raynowska, Bernard J.

Seward, Russell G.

Sytek, Donna P.

Warburton, Calvin

Weyler, Kenneth L.

#### **STRAFFORD**

Bickford, Drucilla

Frechette, Roland A.

Marston, Robert E.

Nehring, William H.

Parks, Joe B.

#### **SULLIVAN**

Domini, Irene C.

### NAYS 252 BELKNAP

Accornero, Harry  
Hawkins, Robert S.  
Joscelyn, William W.  
Rosen, Ralph J.  
Turner, Robert H.

Cain, Thomas G.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Salatiello, Thomas B.  
Ziegra, Alice S.

Dewhirst, Glenn E.  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Shibley, Arnold P.

### CARROLL

Allard, Nanci A.  
Dickinson, Howard C.  
Wiggin, Allen R.

Beach, Mildred A.  
Jean, Robert R.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Saunders, Howard N.

### CHESHIRE

Burnham, Daniel M.  
Crutchley, Donald O.  
Foster, Katherine D.  
Kennison, Wayne A.  
Laurent, John J.  
Pratt, Irene A.  
Young, David A.

Clark, Eugene W.  
Doucette, Richard F.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Riley, William A.

Cole, Stacey W.  
Feuer, Joseph N.  
Hogan, James B.  
LaMar, David M.  
Mohr, Frederick C., Jr.  
Sawyer, Alfred P.

### COOS

Brungot, Catherine V.  
Hawkinson, Marie C.  
Mayhew, Josephine  
Oliver, Terry D.

Coulombe, Henry W.  
Horton, Lynn C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Nelson, Harold D.

### GRAFTON

Arnesen, Deborah L.  
Brown, Patricia B.  
Driscoll, William J.  
LaMott, Paul I.  
Markley, J. Keith  
Scanlan, David M.  
Teschner, Douglass P.  
White, Paul R.

Bean, Pamela B.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
McIlwaine, Deborah P.  
Shackett, Ralph E.  
Trelfa, Richard T.

Brown, Channing T.  
Copenhaver, Marion L.  
Hill, Richard L.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Stewart, Roger D.  
Ward, Kathleen W.

### HILLSBOROUGH

Ackerman, Philip M.  
Arnold, Barbara E.  
Bourque, Ann J.  
Burke, Stephen J.  
Clemons, Jane A.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Ford, Nancy M.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Johnson, Lionel W.

Amidon, Eleanor H.  
Asselin, Robert P.  
Bowers, Dorothy C.  
Calawa, Leon, Jr.  
Cook, Valerie S.  
Crotty, Edward J.  
Dodge, Emma M.  
Drolet, Paul L.  
Ferguson, Charles  
Gage, Ruth E.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Jordan, Mary H.

Andrews, Frederick B.  
Baldizar, Barbara J.  
Buckley, Raymond  
Chasse, Richard D.  
Cote, David E.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Fields, Dennis H.  
Goulet, Maurice E.  
Hall, Betty B.  
Janas, Gregory  
Keane, Cornelius J.

King, Frank P.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Robinson, Ellen-Ann  
Tarpley-Bamberger, Nancy L.  
Upton, Barbara A.  
Wheeler, Robert L.

Kurk, Neal M.  
Lawrence, Eva M.  
Lozeau, DonnaLee M.  
McDowell, James E.  
Messier, Irene M.  
Nardi, Theodora P.  
Peters, Stanley W.  
Soucy, Donna M.  
Tate, Joan C.  
Vanderlosk, Stanley R.  
White, John M.

Larochelle, Roger B.  
Leclerc, Charles J.  
Martin, Mary Ellen  
McRae, Karen K.  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Record, Alice B.  
Stiles, Walter A.  
Turgeon, Roland M.  
Wheeler, David K.  
Wright, George W.

### MERRIMACK

Apple, Lowell D.  
Boucher, Laurent J.  
Chandler, Earle W.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Jacobson, Alf E.  
Letourneau, George E.  
Millard, Elizabeth S.  
Smith, Gerald R.  
Teague, Bert  
Whittemore, James A.

Asplund, Bronwyn L.  
Braiterman, Thea  
Chandler, John P.  
Feuerstein, Martin  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Molner, Mary E.  
Soldati, Jennifer G.  
Wallner, Mary Jane  
Yeaton, Charles B.

Barberia, Richard A.  
Carter, Susan D.  
Daneault, Gabriel J.  
Fillion, Paul R.  
Hall, Douglas E.  
Holmes, Mary C.  
Kidder, William F.  
Lockwood, Robert A.  
Nichols, Avis B.  
Stio, Peter M.  
Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
Boucher, William P.  
Coffey, John J.  
Dowling, Patricia A.  
Ford, Bert H.  
Griebsch, Linda  
Hutchinson, Karen K.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
McGovern, Cynthia A.  
Rubin, George R.  
Smith, Arthur W.  
Thayer, Leroy C.  
Welch, David A.

Bell, Juanita L.  
Caswell, Albert, Jr.  
Conroy, Janet M.  
Felch, Charles H., Sr.  
Gage, Beverly A.  
Hoar, John, Jr.  
Hynes, Carolyn E.  
Katsakiores, Phyllis  
McCain, William F.  
Packard, Sherman A.  
Schanda, Joseph, Sr.  
Syracusa, Anthony  
Tufts, Arthur

Benton, Richardson D.  
Clark, Martha Fuller  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Greene, Elizabeth A.  
Hoelzel, Kathleen M.  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
McCarthy, John J., Jr.  
Roulston, Donald L.  
Skinner, Patricia M.  
Terninko, Margaret B.  
Vaughn, Charles L.

### STRAFFORD

Corte, Arthur B.  
Foss, Patricia H.  
Jankowski, Peter M.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Tsiros, William  
Wheeler, Katherine W.

Douglass, Clyde J.  
Gilmore, Gary R.  
Keans, Sandra B.  
Merrill, Amanda A.  
Pelley, Janet R.  
Vincent, Francis C.  
Young, John B.

Flynn, Edward J.  
Hambrick, Patricia A.  
Knowles, William V.  
O'Brien, John  
Sullivan, Henry P.  
Wall, Janet G.

## SULLIVAN

Allison, David C.  
 Krueger, Richard H.  
 Peyron, Fredrik  
 Schotanus, Merle W.  
 and the motion failed.  
 Report adopted.

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Porter, Robert H.  
 Stamatakis, Carol M.

Burling, Peter Hoe  
 Middleton, John A.  
 Rodeschin, Beverly T.

**HB 1422**, establishing procedures for expediting resolution of medical injury claims. REFER FOR INTERIM STUDY

Rep. Alf E. Jacobson for Judiciary: This legislation proposes a judicial calendar for adjudicating medical injury claims. There were a number of questions raised. First, there is no agreement between defense and plaintiff attorneys. Second, each medical injury is a unique event, and calendaring them on the same schedule could create injustices. Yet there is a need for more expeditious handling of all court cases. We need also to encourage court administration leaders to look hard at developing rules. Therefore, the Committee recommends interim study. Vote 13-4.

Referred for Interim Study.

**HB 1494-FN-L**, implementing the recommendations of the New Hampshire supreme court long-range planning task force regarding the judicial branch. OUGHT TO PASS WITH AMENDMENT

Rep. Alf E. Jacobson for Judiciary: This bill creates some basic changes in the administration of justice. First, it provides for the required statutory changes respecting the establishment of the Northern and Southern Districts in Hillsborough County. Second, it provides for equity jurisdiction in the Probate Court. Third, it makes revisions in the procedures and membership of the Judicial Council. Fourth, it provides for a process for the retention or destruction of court records. Fifth, it provides for establishing the master jury list from drivers' license lists or IDs from the Department of Safety. Sixth, it re-establishes community service penalties for district court jurisdictions. Vote 14-0.

5006L

## Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Trusts; Cy Pres; Cemetery Trust Funds. Amend the introductory paragraph of RSA 31:22-a to read as follows:

31:22-a Cy Pres, Cemetery Trust Funds. Upon petition of a majority of the board of trustees and upon a finding that it is in the public interest, the superior court **or the probate court** may direct the application of only accumulated excess trust income for the general care, capital improvements to or expansion of the cemetery relative to which the particular trust applies. The court shall determine from the terms of the particular trust whether the excess income accumulation of the particular burial lot trust fund will not be required for the care of the burial lot in the foreseeable future. In determining this requirement the court shall consider:

2 Durable Power of Attorney for Health Care; Reference to Court Changed. Amend RSA 137-J:16 to read as follows:

137-J:16 Civil Action. Any person who is a near relative of the principal or a responsible adult who is directly interested in the principal by personal knowledge and acquaintance, including but not limited to a guardian, social worker, physician, or clergyman, may file an action in [superior] **probate** court requesting that the



durable power of attorney for health care be revoked on the grounds that the principal was not of sound mind or was under duress, fraud, or undue influence when the durable power of attorney for health care was executed and shall have all the rights and remedies provided by RSA 506:7 which shall apply to documents executed under this chapter and persons acting pursuant to this chapter.

3 Minors; Public Service. Amend RSA 169-B:19, I(h) to read as follows:

(h) Order the minor to perform up to 50 hours of uncompensated public service subject to the approval of the elected or appointed official authorized to give approval of the city or town in which the offense occurred. The court's order for uncompensated public service shall include the name of the official who will provide supervision to the minor. **However, no person who performs such public service under this paragraph shall receive any benefits that such employer gives to its other employees, including, but not limited to, worker's compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing such public service or any damages caused by that person unless the employer is guilty of gross negligence;**

4 Appeals; Delinquent Children. RSA 169-B:29 is repealed and reenacted to read as follows:

169-B:29 Appeals. Any minor subject to prosecution under this chapter may, within 30 days of final dispositional order, appeal questions of law to the supreme court, but an appeal shall not suspend the order or decision of the court unless the court so orders. In all other respects the judgment of the district court shall be final at the expiration of the appeal period.

5 Child Protection Act; Appeals. RSA 169-C:28 is repealed and reenacted to read as follows:

169-C:28 Appeals. An appeal of questions of law, under this chapter, may be taken to the supreme court by the child or the child's authorized representative or any party having an interest, including the state, within 30 days of the final dispositional order, but an appeal shall not suspend the order or decision of the court unless the court so orders. In all other respects the judgment of the district court shall be final at the expiration of the appeal period. For purposes of this chapter, a "final dispositional order" includes a dismissal of a petition for abuse and neglect by the district court.

6 New Subparagraph; Minors; Public Service. Amend RSA 169-D:17, I by inserting after subparagraph (c) the following new subparagraph:

(d) Ordering the minor to perform up to 50 hours of uncompensated public service subject to the approval of the elected or appointed official authorized to give approval of the city or town in which the offense occurred. The court's order for uncompensated public service shall include the name of the official who will provide supervision to the minor. However, no person who performs such public service under this subparagraph shall receive any benefits that such employer gives to its other employees, including, but not limited to, worker's compensation and unemployment benefits and no such employer shall be liable for any damages sustained by a person while performing such public service or any damages caused by that person unless the employer is guilty of gross negligence.

7 Children in Need of Services; Appeals. RSA 169-D:20 is repealed and reenacted to read as follows:

169-D:20 Appeals. An appeal of questions of law, under this chapter, may be taken to the supreme court by the child, parent, guardian or custodian, within 30 days of the final dispositional order, but an appeal shall not suspend the order or decision of the

court unless the court so orders. In all other respects the judgment of the district court shall be final at the expiration of the appeal period.

8 Voluntary Corporations; Dissolution; Procedure. Amend RSA 292:9, I to read as follows:

I. Any such corporation, or 1/4 of the members thereof, may apply by petition to the superior court, **or in the case of a charitable corporation to the superior court or the probate court**, in the county in which the corporation is located, for a decree of dissolution, or for such other relief as may be just; and the court, after due notice to all parties interested and a hearing, may decree that the corporation be dissolved, subject to such limitations and conditions as justice may require. **The attorney general shall be notified and given an opportunity to be heard in all cases involving charitable corporations.**

9 Voluntary Corporations; Disposition of Property. Amend RSA 292:29, III to read as follows:

III. The superior court may at any time when it shall be made to appear, upon the petition of any interested party, that the protection of proprietary or other rights requires the doing of any act or thing by or in behalf of any such corporation, order the doing of such acts or things, and for this purpose may appoint and authorize an agent to act for and in the name of such corporation, and any action so ordered and done shall be effective corporate action. **The probate court shall have concurrent jurisdiction with the superior court to grant relief in the case of petitions involving charitable corporations brought under this section. The attorney general shall be notified and given an opportunity to be heard in all cases involving charitable corporations.**

10 Definitions; Absentee. Amend RSA 464-A:2, I to read as follows:

I. "Absentee" means a person serving in or with the armed forces of the United States, or a person serving as a merchant seaman, who has been reported or listed as missing or missing in action or interned in a neutral country or has been beleaguered, besieged or captured by an enemy **or any person who has not been seen or heard from for a period of time sufficient to raise a presumption in the discretion of the probate court that such person has abandoned his or her estate or is otherwise incapable of the prudent management of his or her affairs.**

11 Absentees; Notice. Amend RSA 464-A:17 to read as follows:

464-A:17 Appointment for Absentees. Whenever an absentee has an interest in any form of property in this state or is a legal resident of this state and has not provided an adequate power of attorney authorizing another to act in his or her behalf in regard to such property or interest, then, the probate court of the county of such absentee's legal domicile or of the county where [such] the property is [situated] located, either on the court's own motion or upon petition alleging the foregoing facts and showing the necessity for providing care of the property of such absentee made by any person who would have an interest in the property of the absentee were such absentee deceased, after notice to, or on receipt of proper waivers from, the heirs and next of kin of the absentee as provided by law for the administration of an estate, **as well as notice by publication once in a newspaper of general circulation in the county of such absentee's legal domicile or of the county where the property is located and, if in a different county, once in a newspaper of general circulation of the county where such absentee was last seen, and upon good cause being shown, may, after finding the facts to be as aforesaid, appoint a conservator to take charge of the**

**absentee's estate, under the supervision and subject to the further orders of the court.**

12 Special Administrator; Authorization of Action. Amend RSA 464-A:20, II to read as follows:

II. Where the value of the property or other subject matter is \$5,000 or more, the application shall set forth, under oath, in addition to the information required in paragraph I, the following: the names, addresses and ages of the spouse, children, father, mother, brothers, sisters, or if none of these are living, the next of kin of the absentee; the names, addresses and ages of any other person who would have an interest in the property or the estate of the absentee if he or she were deceased; whether or not the absentee has a will and its whereabouts and contents if known; and a statement of all property of the absentee and the approximate value of same. Upon receipt of the application, the court shall schedule a hearing thereon and give notice to all persons named in the application by registered mail **and by publication as provided in RSA 464-A:17.** The court may appoint guardians ad litem to represent the absentee or other interested persons under disability in connection with the hearing. If after the hearing the court finds the matters set forth in the application to be true and further finds that the proposed action should be authorized and that there is no necessity for the appointment of a conservator, the court shall grant the authority applied for. The court may impose reasonable conditions to safeguard the proceeds of any transaction authorized, or otherwise to protect the interest of the absentee or his dependents, but third persons dealing in good faith with the person authorized to act shall not be held responsible for compliance with any such conditions the court may impose.

13 Settlements on Behalf of Minors; Guardian Required. Amend RSA 464-A:42 to read as follows:

464-A:42 Settlements on Behalf of Minors. No settlement, the amount of which exceeds \$1,500, of any suit **or claim** brought on behalf of [an infant] **a minor** by parent or next friend shall be valid unless approved by the court in which the action is pending or to which [the] a writ [is] **may be made** returnable. In any suit **or claim** on behalf of [an infant] **a minor** or against [an infant] **a minor** or in which [an infant] **a minor** is interested **which exceeds \$1,500**, the court may make all necessary orders for protecting the interests of the [infant] **minor** and may require the guardian ad litem, parent or next friend to give bond to truly account for all money received on behalf of the [infant] **minor** whether through settlement, judgment, decree or other order. **In any suit or claim on behalf of a minor or against a minor or in which a minor is interested which exceeds \$5,000, the court shall require proof in the form of a certified statement from the probate court that the guardian ad litem, parent, next friend, or other person who receives money on behalf of the minor whether through settlement, judgment, decree or other order, has been appointed guardian of the estate of such minor and is subject to the duties prescribed under RSA 464-A:26.**

14 Jurisdiction; Superior Court. Amend RSA 491:7 to read as follows:

491:7 Jurisdiction. The superior court shall take cognizance of civil actions and pleas, real, personal and mixed, according to the course of the common law, except such actions as are required to be brought in the district courts under RSA 502-A **or the probate courts under RSA 547;** of writs of mandamus and quo warrant and of proceedings in relation thereto; of actions for support for children of unwed parents; of petition and appeals relating to highways and property taken therefor and for other



public use; of [factual issues certified by] **actions commenced in the probate or district courts [to the superior court for] where a right to jury trial is guaranteed by the constitution;** [of appeals from commissioners of insolvent estates;] of actions commenced in a district court [wherein the title to real estate is brought in question, or] which [for other reasons] are transferable **by statute** to the superior court; [of appeals from district courts in actions against tenants where final judgment has been there rendered;] of suits in equity **under RSA 498:1;** of petitions of divorce, nullity of marriage, alimony, custody of children and allowance to wife from husband's property for support of herself and children; of petitions for new trials; of petitions for [partition and for] the redemption and foreclosure of mortgages; of all other proceedings and matters to be entered in, or heard at, said court by special provisions of law; and of all other proceedings and matters cognizable therein for which other special provision is not made.

15 Equity Procedures; Superior Court. Amend RSA 491:14 to read as follows:

491:14 Equity Procedure. Suits in equity, petitions for divorce, nullity of marriage, alimony, custody of children, allowance to wife from husband's property, new trials, [partition,] redemption and foreclosure of mortgages, writs of mandamus and quo warrant, and other similar proceedings may be heard upon oral testimony or depositions, or both; or when both parties consent, or service having been made and a notice of the time and place of the hearing having been given, when both parties appear, such suits may be heard by any justice of the court at any time, but nothing [herein] contained **in this section** shall be construed as limiting the power of the court to have issues of fact framed and tried by a jury, according to the rules in equity, or the course of such proceedings at common law.

16 Declaratory Judgments; Superior Court. Amend RSA 491:22 to read as follows:

491:22 Declaratory Judgments. Any person claiming a present legal equitable right or title may maintain a petition against any person claiming adversely to such right or title to determine the question as between the parties, and the court's judgment or decree thereon shall be conclusive. **The district court shall have concurrent jurisdiction over such claims arising under its subject matter jurisdiction authority in RSA 502-A except that the defendant shall have the right to remove said declaratory judgment action to the superior court, subject to conditions established by rule of court, if the claim exceeds \$1,500. The court of probate shall have exclusive jurisdiction over such claims arising under its subject matter jurisdiction authority in RSA 547 and RSA 552:7.** No petition shall be maintained under this section to determine coverage of an insurance policy unless it is filed within 6-months after the filing of the writ which gives rise to the question; provided, however, that the foregoing prohibition shall not apply where the facts giving rise to such coverage dispute are not known to, or reasonably discoverable by, the insurer until after expiration of such 6-month period; and provided, further, that the superior court may permit the filing of such a petition after such period upon a finding that the failure to file such petition was the result of accident, mistake or misfortune and not due to neglect.

17 District Court Justices; Salaries; Change of Status. Amend RSA 491-A:3, III and IV to read as follows:

III. The salary of a part-time justice shall not exceed 70 percent of the salary of a full-time district court justice as provided by RSA 491-A:1. Judicial time shall be measured in weighted case units which shall reflect judicial time required to process a case. The compensation per weighted case unit shall be proportional to the compensation for a full-time judge. A part-time justice, whose weighted caseload equals 3.5



judicial days per week, shall receive the maximum salary as provided by this section [and shall be considered for full-time status as provided in paragraph IV]. The compensation schedule provided by this section shall be based upon the salary of a full-time district court justice pursuant to RSA 491-A:1.

IV. [If application of this or other provision of law results in a part-time district court justice receiving a salary which equals 70 percent of the salary of a full-time district court justice,] The supreme court, after reviewing population, caseload, judicial time **and efficiency**, available judicial resources and other relevant criteria, may determine that said justice shall become full-time.

18 Probate Judges; Salaries; Change of Status. Amend RSA 491-A:4, III and IV to read as follows:

III. The salary of a part-time justice shall not exceed 70 percent of the salary of a full-time district court justice as provided by RSA 491-A:1. Judicial time shall be measured in weighted case units which shall reflect judicial time required to process a case. The compensation per weighted case unit shall be proportional to the compensation for a full-time judge. A part-time justice, whose weighted caseload equals 3.5 judicial days per week, shall receive the maximum salary as provided by this section [and shall be considered for full-time status as provided in paragraph IV]. The compensation schedule provided in this section shall be based upon the salary of a full-time district court justice pursuant to RSA 491-A:1.

IV. [If application of this or any other provision of law results in a probate judge receiving a salary which equals 70 percent of the salary of a full-time district court justice,] The supreme court, after reviewing population, caseload, judicial time **and efficiency**, available judicial resources and other relevant criteria, may determine that [said] **any part-time** probate judge become full-time.

19 Judicial Council; Membership. RSA 494:1 is repealed and reenacted to read as follows:

494:1 Judicial Council. There is hereby established a judicial council which shall consist of the following:

I. The 5 members of the judicial branch administrative council, appointed pursuant to supreme court rules.

II. The attorney general or designee.

III. A clerk of the superior court, selected by the Superior Court Clerks' Association.

IV. A clerk of the district and municipal courts, selected by the district court clerks' association.

V. The president-elect of the New Hampshire Bar Association.

VI. The chairperson of the senate judiciary committee or a designee from such committee appointed by the chairperson.

VII. The chairperson of the house judiciary committee or a designee from such committee appointed by the chairperson.

VIII. Eight other members appointed by the governor and council, 3 of whom shall be members of the New Hampshire Bar Association of wide experience who have been admitted to practice in the state for more than 5 years, and 5 of whom shall be lay persons; and

IX. Five other members appointed by the chief justice of the supreme court, 3 of whom shall be members of the New Hampshire Bar Association of wide experience who have been admitted to practice in the state for more than 5 years, and 2 of whom shall be lay persons.

20 Judicial Council; Appointment and Tenure of Office. RSA 494:2 is repealed and reenacted to read as follows:

494:2 Appointment and Tenure of Office. The term of each member except the members of the judicial branch administrative council, the attorney general, the president-elect of the New Hampshire Bar Association, and the chairpersons of the senate and house judiciary committees shall be for 3 years and until a successor is appointed and qualified. Vacancies shall be filled for the remainder of the term in the same manner and from the same group as the original appointment. Each member of the judicial branch administrative council, the attorney general, the president-elect of the New Hampshire Bar Association, and the chairpersons of the senate and house judiciary committees shall be ex officio members and shall serve during their term of office.

21 Judicial Council; Duties. RSA 494:3 is repealed and reenacted to read as follows:

494:3 Duties of the Council. It shall be the duty of the judicial council:

I. To serve as an institutional forum for the on-going and disinterested consideration of issues affecting the administration of justice.

II. To survey and study continuously the administration of justice within the state and the organization, procedure, practice, rules and methods of administration and operation of the courts of the state.

III. To devise ways of simplifying judicial procedure, expediting the transaction of judicial business, and of improving the administration of justice.

IV. To recommend and provide general information to the general court, to the supreme court, to the superior court, to the probate court, and to the district and municipal courts, to any public official, department or agency or to the state bar association, either upon request or upon the council's own motion, such changes in the law or in the rules, organization, operation or methods of conducting the business of the courts, or with respect to any other matter pertaining to the administration of justice, as it may deem desirable.

V. To collect, compile, analyze and publish statistics pertaining to the judicial system as prepared and provided by the administrative office of the courts.

VI. To serve as a catalyst for the discussion of legal and judicial issues through seminars, forums and special studies, and any other means, within the limits of available state and private funding.

22 Judicial Council; Biennial Reports. RSA 494:4 is repealed and reenacted to read as follows:

494:4 Biennial Reports. The council shall report to the governor and council biennially on its activities and shall submit with the report its recommendations, if any, for improving the administration of justice. The biennial report, and any and all other reports, studies and recommendations may be printed, based upon available funding, and made available to members of the general court, the supreme, superior, probate and district and municipal courts and to the public.

23 Judicial Council; Meetings. RSA 494:5 is repealed and reenacted to read as follows:

494:5 Meetings. The regular meetings of the council shall be held in January, April and October of each year, and at such other times as the council or its chairman may determine.

24 Judicial Council; Organization; Expenses. RSA 494:7 is repealed and reenacted to read as follows:

494:7 Organization of Council; Expenses. The council shall elect a chairperson and a vice chairperson from among its members. The executive director shall serve as a secretary when the council is meeting. The council may make all necessary rules and regulations for its own procedures and the conduct of its meetings. The meetings of the council shall be held in compliance with the provisions of RSA 91-A, the right-to-know law. Members of the council shall receive no compensation for their services, but shall be allowed their actual expenses while attending to the business of the council, and the council shall be allowed its expenses to be paid out of any funds appropriated for that purpose.

25 Superior Court; Terms. Amend the introductory paragraph of RSA 496:1, I to read as follows:

I. Terms of the superior court shall be held annually at the following places in the following counties **or judicial districts thereof**:

26 Superior Court; Terms. Amend RSA 496:1, I(f) to read as follows:

(f) For the county of Hillsborough: At Manchester **for the northern judicial district and at Nashua for the southern judicial district**. The [court facility in Manchester] **northern judicial district shall include and** serve the city of Manchester and the towns of Amherst, Antrim, Bedford, Bennington, Deering, Francestown, Goffstown, Greenfield, Hancock, Hillsborough, Lyndeborough, Mont Vernon, New Boston, Peterborough, Weare and Windsor. The [court facility in Nashua] **southern judicial district shall include and** serve the city of Nashua and the towns of Brookline, Greenville, Hollis, Hudson, Litchfield, Mason, Merrimack, Milford, New Ipswich, Pelham, Sharon, Temple and Wilton.

27 Superior Court; Jurisdiction. Amend RSA 498:1 to read as follows:

498:1 Jurisdiction. The superior court shall have the powers of a court of equity in the following cases: Charitable uses; trusts **other than express trusts as that term is defined in RSA 564-A:1**; fraud, accident and mistake; the affairs of partners, joint tenants or owners and tenants in common; the redemption and foreclosure of mortgages; contribution; waste and nuisance; the specific performance of contracts; discovery; cases in which there is not a plain, adequate and complete remedy at law; and in all other cases cognizable in a court of equity, **except that the court of probate shall have exclusive jurisdiction over equitable matters arising under its subject matter jurisdiction authority in RSA 547, RSA 547-C and RSA 552:7.**

28 Real and Personal Property; Disputed Titles. Amend RSA 498:5-a to read as follows:

498:5-a Real and Personal Property; Disputed Titles. An action may be brought in the superior court by any person claiming title to, or any interest in, real or personal property, or both, against any person who may claim to own the same, either in fee, for years, for life or in reversion or remainder, or to have any interest in the same, or any lien or encumbrance thereon, adverse to the plaintiff, or in whom the land records disclose any interest, lien, claim or title conflicting with the plaintiff's claim, title or interest, whether or not the plaintiff is entitled to the immediate or exclusive possession of such property, for the purpose of determining such adverse estate, interest or claim, and to clear up all doubts and disputes and to quiet and settle the title to the same, **except that the court of probate shall have exclusive jurisdiction over disputes in title arising under RSA 547 and RSA 547-C.** An action may also be brought in the superior court by the holder of a tax collector's deed who desires to quiet his title to the property conveyed under such deed. The petition in either such

action shall describe the property in question and state the plaintiff's claim, interest or title and the manner in which the plaintiff acquired such claim, interest or title and shall name the person or persons who may claim such adverse estate or interest.

29 Superior Court Records; Retention and Destruction. RSA 499:4-a is repealed and reenacted to read as follows:

499:4-a Destruction of Records. The superior court shall establish, subject to the approval of the supreme court, retention and destruction schedules for original files, papers and records in cases and matters disposed of by the court. The superior court shall be responsible for the implementation of the schedules and for directing that any files having the potential for historical significance shall be preserved or transferred to any public historical society or corporation organized for the preservation of historical documents. The schedule may provide for original records to be sent to the records center established under RSA 5.

30 Definitions. RSA 500-A:1 is repealed and reenacted to read as follows:

500-A:1 Definitions. In this chapter:

I. "Clerk" means the clerk of the superior court in each county or judicial district or any of his deputies.

II. "Court" means the superior court.

III. "Department" means the New Hampshire department of safety.

IV. "Master jury list" means the list compiled by the department from the official record of persons who hold a current New Hampshire driver's license or a department of safety identification card.

31 Preparation of Master Jury List. RSA 500-A:2 is repealed and reenacted to read as follows:

500-A:2 Preparation of Master Jury List. The department shall annually, between June 1 and July 1, prepare and deliver to the clerk of court a master jury list for each county or judicial district thereof. A duplicate list shall be retained by the department.

32 Qualification Forms for Jurors. RSA 500-A:6, I is repealed and reenacted to read as follows:

I. When ordered to do so by the court, the clerk shall draw at random from the master jury list the names or identifying numbers of as many prospective jurors as the court by order requires. The names or identifying numbers of prospective jurors may be chosen either by random drawing or by computer on a random basis. The clerk shall prepare an alphabetical list of the names drawn. The names drawn on the list may be disclosed only to persons authorized to see the list under this chapter or upon specific order of the court.

33 Discharge by the Court. Amend RSA 500-A:10 to read as follows:

500-A:10 Discharge by Court. If a person selected and attending court as a juror is deemed by the court to be mentally or physically unfit to act as a juror, he shall be discharged. Another juror may be drawn in his place from the same [town] **county or judicial district thereof**.

34 Municipal Judges; Salaries. Amend RSA 502:7 to read as follows:

502:7 Salaries of Justices. [The towns in which the municipal courts are located shall annually appropriate and pay the justices salaries, monthly or quarterly.] **The salaries of the municipal court justices shall be** computed in the same manner as for district court justices under RSA 502-A:6, I.

35 Powers of Other Justices. Amend RSA 502-A:5 to read as follows:

502-A:5 Powers of Other Justices. If the justice and special justice of a district court are disqualified [or unable from any cause to sit in any case, a member of the



bar of New Hampshire who is a disinterested justice of the peace within the district] **disabled, otherwise unable to sit, or in need of assistance**, or a disinterested justice or special justice from another district court, attending upon **assignment of the administrative judge of the district and municipal court or upon** written request of the justice, may hear and determine [the case] **all cases brought before that justice** and issue final process therein, and he shall keep a record thereof, which shall be kept with and constitute a part of the records of said court, all of which shall have like effects as if it were heard and determined by the justice of said court.

36 District Court Justices; Salaries. Amend RSA 502-A:6, II to read as follows:

II. The annual salaries of the special justices of the district courts appointed prior to July 1, 1987, shall be an amount equal to 30 percent of the salary paid to the justices, as provided in paragraph I, or the current annual salary of the special justice for 1987, whichever is greater. Provided further that the special justice may receive, and all special justices appointed after July 1, 1987, shall receive, [the same] per diem compensation [as is generally allowed to masters serving in superior court] **determined by the supreme court upon recommendation by the judicial branch administrative council**, plus reasonable expenses as determined by the supreme court. In those cases where prior to July 1, 1987, the special justice was paid on a per diem basis, such per diem payment shall continue unless changed by the supreme court. In the event of the death, resignation, or retirement of the justice and when no appointment is made to fill the vacancy caused thereby for a period of 60 days, the special justice shall then be paid the salary of the justice until his vacancy is filled. If the justice is absent due to illness or disqualification for any other reason for a period of more than 60 days, the special justice shall be entitled to the salary of the justice until the justice is able to assume his duties. Whenever a justice or special justice sits in another court by request, he **or she** shall be paid [\$30 per hour for each hour or part thereof that he shall serve in said capacity; provided, however, that he shall not receive more than] the same per diem compensation as is generally allowed to [masters serving in the superior court] **per diem special justices sitting in their own courts**, plus reasonable expenses.

37 New Section; District Court; Referees. Amend RSA 502-A by inserting after section 6-a the following new section:

502-A:6-b Retired Justices of District Court. Each justice of the district court retired therefrom by age limitation who has served on such court shall upon retirement become a referee. Such referees shall be empowered and may be assigned to act as such in the district courts, and their powers and the procedures for hearings before them shall be determined by statute or rule of court. Such referees shall be allowed their expenses and a per diem compensation determined by the supreme court upon recommendation by the judicial branch administrative council, established pursuant to supreme court rule.

38 District Courts; Jurisdiction; Criminal Cases. Amend RSA 502-A:11 to read as follows:

502-A:11 Criminal Cases, District Courts. Each district court shall have the powers of a justice of the peace and quorum throughout the state and shall have original jurisdiction, subject to appeal, of all crimes and offenses committed within the confines of the district in which such court is located which are punishable by a fine not exceeding [\$1,000] **\$2,000** or imprisonment not exceeding one year, or both, including all violations of the provisions of RSA 266:16 and 266:25 pertaining to vehicles exceeding permitted size or weight, regardless of whether the defendant is a

natural person or any other person; provided, however, that any town which may vote to continue its municipal court in accordance with the provisions of RSA 502-A:35 shall have exclusive jurisdiction over offenses committed within the confines of that town, in accordance with the provisions of RSA 502:18, until such municipal court is subsequently abolished under the provisions of RSA 502-A:35.

39 District Courts; Regional Jury Trial. Amend RSA 502-A by inserting after section 12 the following new section:

502-A:12-a Regional Jury Trials. The supreme court shall have the authority to designate one or more district courts to be regional jury trial courts. The region served by said courts shall be determined by the supreme court after due consideration of all relevant factors including: adequacy of present facility, staffing requirements, judicial economy and efficiency, and convenience to the public. In any region so designated by the supreme court, and in any case where trial by jury is demanded at arraignment or within a time to be determined by rule of court, said trial under this section shall be to the regional jury trial district court and not to the superior court. Questions of law may be appealed therefrom to the supreme court.

40 District Courts; Concurrent Jurisdiction. Amend RSA 502-A:14, II and II-a to read as follows:

II. CONCURRENT JURISDICTION. All district courts shall have concurrent jurisdiction with the superior court of civil actions for damages in which the damages claimed do not exceed [\$10,000] **\$25,000**, the title to real estate is not involved and the plaintiff or defendant resides within the district where such court is located. In all such actions, unless trial by jury is claimed as provided in RSA 502-A:15, the parties shall be heard by the justice, associate justice or special justice, [and the] **who shall make findings of fact which** shall be final. Questions of law may be transferred to the supreme court in the same manner as from the superior court.

II-a. EXPANDED CONCURRENT JURISDICTION. The supreme court shall have the authority to increase the concurrent jurisdiction as provided in paragraph II of those district courts it selects, after consultation with the individual district courts, to hear civil actions in which the damages claimed do not exceed [\$20,000] **\$50,000**, the title to real estate is not involved, and the plaintiff or defendant resides within the district where such court is located. In all such actions, unless trial by jury is claimed as provided in RSA 502-A:15, the parties shall be heard by the justice, associate justice or special justice; [and the] **who shall make findings of fact which** shall be final. Questions of law may be transferred to the supreme court in the same manner as from the superior court.

41 Transfers to Superior Court; Jury Trial. Amend RSA 502-A:15 to read as follows:

502-A:15 Jury Trial.

I. In cases in which the damages claimed exceed \$1,500 or the title to real estate is involved, if the defendant, upon the entry of any action for damages under RSA 502-A:14, II or II-a, within [5] **7** days of the [entry] **return date** of the action or within such additional time as the district court for good cause may allow, files a written request for trial by jury, the cause shall be at once transferred to the superior court **or to the regional jury trial district court, as provided in paragraph II**, for the county **or judicial region** in which the [district] court is located, to be heard and tried as if originally entered in the [superior] **transferee** court. The original entry fee and cost of transferring the action shall be paid by the [plaintiff] **moving party** but

shall be recoverable as costs if the [plaintiff] **moving party** prevails in the action. **If, after transfer for trial by jury, the moving party waives the right to jury trial, the cause shall at once be remanded to the district court of original jurisdiction.**

**II. The supreme court shall have the same authority to designate regional jury trial district courts to hear and determine civil causes as under RSA 502-A:12-a. In any region so designated, the case to be transferred shall be transferred to the regional jury trial district court and heard and tried as if originally entered there. Questions of law may be appealed therefrom to the supreme court.**

42 District Courts; Pleas by Mail. RSA 502-A:19-b, I and II are repealed and reenacted to read as follows:

I. Such defendant shall receive, in addition to his summons, a uniform fine schedule entitled "Notice of Fine, New Hampshire District and Municipal Courts" which shall contain the usual fines for violations of the provisions of title XXI on vehicles, excluding violations of RSA 265:79, 265:82 or any offense which is a misdemeanor or felony; the usual fines for violations of the provisions of RSA 270, 270-A, and 270-E, excluding any offense which is a misdemeanor or felony; and the usual fines for violations of the provisions of title XVIII on fish and game laws, excluding any offense which is a misdemeanor or felony. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except, if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally must do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the clerk of the court prior to the arraignment date or appear in court on the date of arraignment. Defendants in violation of the provisions of title XVIII shall be subject to the provisions of RSA 207:18 and RSA 214:19.

II.(a) Whenever a defendant does not enter a plea by mail prior to the arraignment day or does not appear personally or by counsel on or before that date or move for a continuance, the defendant shall be defaulted and the court shall determine what the fine would be upon a plea of guilty or nolo contendere and shall impose an administrative processing fee in addition to the fine and penalty assessment, and in the case of violations of title XXI, the defendant's driving privileges shall be suspended as provided in RSA 263:56-a. The provisions of RSA 207:18 and RSA 214:19, as applicable, shall apply to a defendant in violation of the provisions of title XVIII.

(b) Whenever a defendant otherwise fails to appear for a scheduled court appearance in connection with a summons for any violation level offense set forth in titles XVIII, XXI or XXII, the court shall proceed to hear the state's evidence, by offer of proof or otherwise, and enter a finding in accordance therewith. In the event a finding of guilty is made, the court shall set the fine, and the clerk shall forthwith mail or deliver to the defendant at the defendant's last known mailing address a notice of finding and imposition of fine form approved by the administrative judge of the district court, appointed pursuant to supreme court rule. Payment of the fine in full shall be required no later than 30 days from the date of said notice. Upon the failure of any defendant to remit said payment, the procedure required by subparagraph II(a) shall

be followed by the court. No finding made by the court under this section shall be set aside except for good cause shown.

(c) In defaulted cases of violations of title XXI or title XVIII, the court shall notify the director of the division of motor vehicles of the defendant's default of a title XXI violation, or the executive director of the department of fish and game of the defendant's default of a title XVIII violation, and the amounts of the fine and other penalties on a form prescribed by the director of the division of motor vehicles or the executive director of the department of fish and game, as appropriate. The amount of the administrative processing fee shall be determined by the New Hampshire supreme court in accordance with the provisions of paragraph V of this section.

43 District and Municipal Court Records; Retention and Destruction. RSA 502-A:27-a is repealed and reenacted to read as follows:

502-A:27-a Destruction of Records. The district court, subject to the approval of the supreme court, shall establish retention and destruction schedules for those original files, papers and records in cases and matters disposed of by the court. The district court shall be responsible for the implementation of the schedules and for directing that any files having the potential for historical significance shall be preserved or transferred to any public historical society or corporation organized for the preservation of historical documents. The schedule may provide for original records to be sent to the records center established under RSA 5.

44 District and Municipal Court Financial Records. RSA 502-A:27-b is repealed and reenacted to read as follows:

502-A:27-b Financial Records. The retention and destruction policy established by RSA 502:27-a shall provide for financial records to be retained for the current fiscal year and the preceding 5 fiscal years.

45 Transitory Actions. Amend RSA 507:9 to read as follows:

507:9 Transitory. Transitory actions, in which any one of the parties is an inhabitant of the state, shall be brought in the county **or judicial district thereof** where some one of them resides. If no one of the parties is an inhabitant of the state, the action may be brought in any county **or judicial district**.

46 Actions by or Against Executor. Amend RSA 507:10 to read as follows:

507:10 By or Against Executor. An action by or against an executor or administrator shall be brought in the same county **or judicial district thereof** or in one of the counties **or judicial district thereof** in which it might have been brought by or against the testator or intestate at the time of his death; provided, that nothing in this section shall affect the right of any executor or administrator to maintain an action in the county [wherein] **or judicial district in which he or she** is appointed.

47 Trustee Process. Amend RSA 512:2 to read as follows:

512:2 Venue. Such action shall be brought in the county **or judicial district thereof** in which it should be brought if no trustee were summoned.

48 Landlord-Tenant; Appeals. RSA 540:20 is repealed and reenacted to read as follows:

540:20 Appeal. Any party to an action brought pursuant to this chapter shall, within 3 days of the notice of judgment date, file in the district court notice of intent to appeal questions of law to the supreme court. Said appeal shall otherwise be filed in accordance with supreme court rule. In all other respects the judgment of the district court shall be final at the expiration of the appeal period.

49 Landlord-Tenant; Damages. Amend RSA 540:23 to read as follows:



540:23 Plaintiff's Damages. If a defendant files a plea of title or appeals, and the plaintiff recovers judgment against [him] **the defendant**, the court shall cause [his] **plaintiff's** damages, exemplary or otherwise, including a just compensation for the use and detention of the property and for any injury thereto, to be assessed [by the jury who try the issue, or otherwise,] and may issue execution therefor, or the same may be recovered on the recognizance taken as before provided.

50 Landlord-Tenant; Recognizance. Amend RSA 540:25 to read as follows:

540:25 Recognizance, by Defendant. The defendant[, while his appeal is pending,] shall pay into court or to the plaintiff, as the court directs, all rents becoming due [after the appeal] **from the date the notice of intent to appeal is filed with the district court**. In any case in which the duty to pay rent or a portion thereof is in dispute, the defendant shall be required to pay such portion of the rents becoming due after the [appeal] **notice of intent** is filed into court, as the court may direct, which amounts shall be held by the court in escrow until a final decision is rendered. After such decision has been rendered, the escrowed rent money and any accrued interest thereon shall be apportioned between plaintiff and defendant on the basis of a finding of rent actually due [during the pendency of the appeal]. For the purpose of this section, "rent" shall mean the amount of money called for by the lease or rental agreement at the time the action for possession was instituted.

51 Remedies for Certain Nuisances; Venue. Amend RSA 544:4 to read as follows:

544:4 Venue. Such proceeding shall be in the superior court of the county or **judicial district thereof** in which the property is located.

52 Probate Courts; Jurisdiction. RSA 547:3 is repealed and reenacted to read as follows:

547:3 Jurisdiction. The probate court shall have exclusive jurisdiction over the following: jurisdiction of the probate of wills; the granting of administration of all matters and things of probate jurisdiction relating to the composition, administration, sale, settlement and final distribution of estates of deceased persons, including the assignment of homestead and claims against the executor or administrator for those services related to the prior care and maintenance of the decedent and the administration of insolvent estates and appeals therefrom; the exclusive jurisdiction to interpret and construct wills and to interpret, modify, and terminate testamentary and express trusts as that term is defined in RSA 564-A:1, I, and as to the appointment of and administration by trustees, in the cases prescribed by law; jurisdiction in relation to the appointment and removal of conservators, and of the guardians of minors, mentally incompetent persons and spendthrifts, and in relation to the duties by law imposed on such conservators and guardians, and the management and disposition of the estates of their wards; jurisdiction in relation to the adoption of children; jurisdiction of petitions for partition and to quiet title of real estate pursuant to RSA 547-C; for cause shown, to change the names of persons who apply therefor; to terminate parental rights; jurisdiction of declaratory judgment actions pursuant to RSA 547:11-b, jurisdiction in relation to durable power of attorney for health care under RSA 137-J; and any other jurisdiction as may be granted by statute. The probate court shall have concurrent jurisdiction with the superior court in cases involving charitable uses and trusts other than express trusts as that term is defined in RSA 564-A:1, I.

53 New Sections; Probate Courts; Issues to Court Petition; Jurisdiction. Amend RSA 547 by inserting after section 3 the following new sections:

547:3-a Issues to Court. In any proceeding before a probate court involving material facts which are in dispute, the probate court shall have jurisdiction to try such

factual issues to court after due notice to all interested parties. However, the probate court may, if the interests of an estate require it, appoint a special administrator under RSA 553:20.

**547:3-b Equity Jurisdiction.** The probate court shall have the powers of a court of equity in cases in which there is not a plain, adequate and complete remedy at law involving partition, guardianships, conservatorships and the probate of an estate and in all other like cases cognizable in a court of equity arising under RSA 547, RSA 547-C and RSA 552:7. The probate court shall have concurrent jurisdiction with the superior court in cases involving charitable uses and trusts other than express trusts as that term is defined in RSA 564-A:1, I. The court may hear and determine such cases according to the course of equity, and may grant writs of injunction whenever the same are necessary to prevent fraud or injustice.

**547:3-c Deviation from Terms of Trust.** In all cases where by reason of a change of circumstances which has occurred, shall occur, or is reasonably foreseeable, subsequent to the creation, heretofore or hereafter, of a trust by any deed, will or other instrument, compliance by the trustee or trustees with the terms of the trust relating to the property or the kinds of classes of property which may be held under the trust would defeat or substantially impair the accomplishment of the purposes of the trust, the court may, upon the filing by the trustee of a bill in equity for instructions and upon notice to all parties in interest, enter a decree permitting the trustee to deviate from such terms of the trust and directing the trustee, if necessary to carry out the purposes of the trust, to sell all or any part of the property held under the trust and to invest the proceeds of such sale in kinds or classes of property which are lawful investments for trustees of estates. No such decree, after its entry, shall thereafter operate to relieve any trustee of any duty imposed by law relating to the investment of trust funds and the exercise of reasonable care for the preservation thereof. This section shall not be construed to limit or restrict the general equitable jurisdiction of the court over the trustees, trusts or trust funds.

**547:3-d Cy Pres Doctrine.** If property is or has been given in trust to be applied to a charitable purpose, and said purpose or its application is or becomes impossible or impracticable or illegal or obsolete or ineffective or prejudicial to the public interest to carry out, the trust shall not fail. Upon petition by the trustee or trustees or the attorney general, the probate court may direct the application of the property to some charitable purpose which is useful to the community, and which charitable purpose fulfills as nearly as possible the general charitable intent of the settlor or testator. In applying the doctrine of cy pres, the court may order the distribution of the trust assets to another charitable trust or to a charitable corporation to be held and administered by it in accordance with the terms of the governing instrument as said terms may be modified by the application of cy pres under this section and RSA 547:3-e.

**547:3-e Federal Taxation.** Whenever it shall be made to appear to the court that the intention of the testator or settlor of a charitable trust will be frustrated in whole or in part by reason of a tax imposed under the United State Internal Revenue Code on the income or principal of the trust, or by reason of administrative burden or disproportionate cost of administration, then the court, in order to prevent the diversion of funds from the charitable purpose by federal taxation, may enter a decree:

I. Modifying or enlarging the powers granted the trustee, or declaring that a trustee does not have certain powers under New Hampshire law to the extent necessary in order to bring the terms of the governing instrument into compliance with the tax exemption requirements of federal law.

II. Authorizing the trustee to make charitable distributions from principal.

III. Terminating the trust and directing the distribution of the trust assets to another charitable trust or to a charitable corporation, to be held and administered in accordance with the terms of the governing instrument as said terms may be modified by the application of cy pres under RSA 547:3-d and this section.

IV. Removing the trustee or trustees, or directing the appointment of new or additional trustees.

V. Reducing or limiting the charitable organizations or classes of charitable organizations or charitable objects which may be benefited under the trust instrument.

547:3-f Inapplicability of Cy Pres. Whenever it shall appear to the court that any proposed cy pres application would not be proper because it is in violation of New Hampshire law, the court shall enter a decree denying said proposed cy pres application and stating the reason therefor.

547:3-g Definitions. For the purposes of RSA 547:3-h and for the purposes of any petition for deviation under RSA 547:3-c or under common law equity powers the following words shall have the meanings ascribed here unless the context indicates otherwise:

I. "Charitable trust" means any fiduciary relationship with respect to property arising as a result of a manifestation of an intention to create it and subjecting the person by whom the property is held to equitable duties to deal with the property for charitable or community purposes.

II. "Trustee" means:

(a) Any individual, group of individuals, corporation or other legal entity holding property in trust pursuant to any charitable trust or charitable purpose.

(b) A corporation formed for the administration of a charitable trust pursuant to the directions of the settlor or at the instance of the trustee.

547:3-h Termination of Charitable Trusts. If the probate court, upon application by the trustee or trustees, finds that the continuance of a charitable trust is impracticable or unfeasible, and that the charitable purpose of the settlor or testator can be accomplished by a transfer of the trust assets to another charitable trust or corporation, or to the beneficiaries of said trust, the trust is subject to termination by the court upon such terms and conditions as it may impose. This section shall not be construed to limit or restrict the general equitable jurisdiction of the court over trustees, trusts or trust funds.

54 New Sections; Probate Courts; Declaratory Judgments; Quiet Title; Appeals. Amend RSA 547 by inserting after section 11-a the following new sections:

547:11-b Declaratory Judgments. Any person claiming a present legal or equitable right or title to real or personal property listed in the estate of deceased persons or listed as guardianship, conservatorship, or trust assets may maintain a petition against the estate, guardian, conservator, or trustee to determine the question as between the parties, and the court's judgment or decree thereon shall be conclusive.

547:11-c Quiet Title. An action may be brought in probate court by any person claiming title to, or any interest in, real or personal property, or both, listed in the estate of a deceased person or listed as guardianship, conservatorship, or trust assets over which the probate court has jurisdiction, against the estate, guardian, conservator, or trustee who may claim to own the same, either in fee, for years, for life or in reversion or remainder, or to have any interest in the same, or any lien or encumbrance thereon, adverse to the plaintiff, or in whom the land records disclose any interest, whether or not the plaintiff is entitled to the immediate or exclusive posses-



sion of such property, for the purpose of determining such adverse estate, interest or claim, and to clear up all doubts and disputes and to quiet and settle the title to the same. In any action brought under this provision, where applicable, the procedure set forth in RSA 498:5-b through 5-d shall be followed.

547:11-d Appeals. In cases where a right to jury trial is guaranteed by the constitution or granted by statute, a person may, at the time judgment by the probate court is declared, appeal therefrom to the superior court. The appeal shall be entered 15 days from the date of the register's issuance of the notice of decision unless for good cause shown the time is extended by the superior court. If such an appeal is taken, the superior court shall expedite such requests and schedule the case for trial in as timely a manner as possible. In all cases which are so appealed, it shall be the duty of the superior court to transmit to the judge of the probate court, within 10 days after the case is finally disposed of, a certificate showing the final disposition of the case.

547:11-e Failure to Prosecute Appeal. If the appellant fails to enter an appeal within the time limited and prosecute such appeal, a record thereof shall be made, and, within 10 days, the clerk of court shall transmit to the probate court appealed from a certificate of such forfeiture.

55 If Disqualified to Sit. Amend RSA 547:15 to read as follows:

547:15 If Disqualified to Sit. If the judge disqualifies himself, by reason of a conflict of interest or otherwise, to sit in any case, he shall cause a record of the disqualification to be made and shall adjourn the case to another time and place. **Upon the assignment of the administrative judge of the probate court**, a full-time judge or, if he is unavailable, another judge shall have the power to make any decree or order which could have been made by the judge before whom the case was originally entered, had he not disqualified himself.

56 Vacancy. Amend RSA 547:18 to read as follows:

547:18 Vacancy. Whenever there is a vacancy in the office of the judge of probate of any county, the [register of probate] **administrative judge of the probate court** shall call upon the judge of some other county, who shall act during such vacancy. Such judge who is called upon[, with prior approval of the supreme court,] shall receive [the same per diem compensation as is generally allowed to masters serving in the superior court] **per diem compensation determined by the supreme court upon recommendation by the judicial branch administrative council**, plus reasonable expenses, which shall be paid by the state.

57 Absence or Inability to Attend. Amend RSA 547:18-a to read as follows

547:18-a Absence or Inability to Attend. Whenever a judge of probate in any county shall be absent or unable to attend a session of the probate court, the [register of probate] **administrative judge of the probate court** shall call upon the judge of some other county, who shall act during such absence or inability. Such judge who is called upon[, with prior approval of the supreme court,] shall receive [the same per diem compensation as is generally allowed to masters by the superior court] **per diem compensation determined by the supreme court upon recommendation by the judicial branch administrative council**, plus reasonable expenses, which shall be paid by the state.

58 Probate Judges; Retired Referees, Compensation. Amend RSA 547:19-c to read as follows:

547:19-c Retired Judges of Probate. Each judge of the probate court retired therefrom by age limitation who has served on such court [for at least 7 years] shall upon retirement become a referee. Such referees shall be empowered to act as such in the



probate courts, and their powers and the procedures for hearings before them shall be determined by statute or rule of court. Such referees shall be allowed their expenses and a per diem compensation [at the same rate as paid to masters of the superior court] **determined by the supreme court upon recommendation by the judicial branch administrative council, established pursuant to supreme court rule.**

59 Probate Judges; Retired Masters; Compensation. RSA 547:37 is repealed and reenacted to read as follows:

547:37 Retired Judges as Masters; Special Masters.

I. APPOINTMENT IN CONTESTED CASES. A probate judge may appoint as a master in any contested case such former judge of the probate court as has retired therefrom by age limitation when to do so will expedite the business of the court. If a probate judge is unable for any cause to sit in any case, a member of the Bar of New Hampshire who is a disinterested justice of the peace, or a disinterested justice or special justice from a district court, attending upon written request of the sitting judge and approval of the administrative judge of the probate court, may hear as master and make recommendations as to the disposition of the case. Said appointed special master shall keep a record of the case, which shall be kept with and constitute a part of the records of said court, all of which shall be approved by the judge of said court before the order is issued.

II. COMPENSATION. Such master or special master when sitting as master shall be allowed per diem compensation determined by the supreme court upon recommendations by the judicial branch administrative council, established pursuant to supreme court rule, plus reasonable expenses. If the parties are indigent, the probate court, in its discretion, may assess such charges against the state; provided, however, that all bills submitted by the master for compensation shall first be submitted to the probate judge for approval.

60 New Chapter; Jurisdiction; Partition of Real Estate. Amend RSA by inserting after chapter 547-B the following new chapter:

CHAPTER 547-C  
PARTITION OF REAL ESTATE  
Disputed Partition

547-C:1 Parties. Any person owning a present undivided legal estate in land, not subject to redemption, or the holder of an equity of redemption shall be entitled to have partition in the manner hereinafter provided. If such estate is in fee, he shall be entitled to partition in fee; if a life estate or a term for years, he shall be entitled to partition thereof to continue so long as his estate endures. A life tenant, remainderman, or a tenant for years of whose term at least 20 years remains unexpired may, in the exercise of the court's equitable powers, have partition of the fee. The existence of a lease of the whole or a part of the land to be divided shall not prevent partition, but such partition shall not disturb possession of a lessee under a lease covering the interests of all the co-tenants.

547-C:2 Petition. A petition may be filed by such person in the probate court in the county in which the estate or any part of the estate lies, particularly describing the estate, the names of all owners or persons interested, if known, and the share of the petitioner in the estate and praying for partition of the estate. Upon petition by the administrator or upon its own motion, the court may cause any real estate to be partitioned or divided in accordance with procedures described in this chapter.

547-C:3 Appeal. In cases where a right to jury trial is guaranteed by the constitution, a person may, at the time judgment by the probate court is declared, appeal therefrom to the superior court. The appeal shall be entered 15 days from the date of the register's issuance of the notice of decision unless for good cause shown the time is extended by the superior court. If a trial by jury is requested, the superior court shall expedite such request and schedule the case for trial in as timely a manner as possible and may cause any real estate to be partitioned or divided in accordance with procedures described in this chapter. In all cases which are so appealed, it shall be the duty of the superior court to transmit to the judge of the probate court, within 10 days after the case is finally disposed of, a certificate showing the final disposition of the case.

547-C:4 Owner Unknown. If the persons interested in any such real estate with the petitioner are unknown, it shall be described in the petition in the same manner as is required in the case of taxing unimproved lands of nonresidents, specifying the share held by each petitioner, and stating that it is held with persons unknown.

547-C:5 Notice. The petitioner shall give notice to all persons interested in the estate, by causing the petition and order of notice thereon to be served on each in the same manner that writs of summons are required to be served.

547-C:6 Publication of Petition. If any petitionee or his residence is unknown, or if petitionee resides out of the state and has not had personal notice, the court shall order publication of the petition and order of notice, and may fix the time of the last publication.

547-C:7 Additional Notice. If any petitioner is absent at the time of the service of the petition, and has not returned, and does not appear at the sitting of the court at which the petition is entered, it may be continued and further notice ordered.

547-C:8 Appointing Agents. If any petitionee is a minor, or otherwise incapacitated to take care of his estate, partition shall not be made until a guardian or agent has been appointed. Such guardian or agent may be appointed by the court.

547-C:9 Owner Unknown. If any petitionee is unknown the court may, in its discretion, appoint an agent to aid and advise in petitionee's behalf in making the partition.

547-C:10 Trial of Issues. Matters alleged in the petition may be denied or avoided by the petitionee by plea, and further proceedings may be had, and an issue of fact or of law made and tried, as upon a writ at common law or a bill in equity, and the court shall have full power to determine the respective interests of all the parties; or the petitionee may file a plea denying that the petitionee holds any part of the premises with the petitioner, with a brief statement of matters in defense.

547-C:11 Judgment for Partition; Committee. If the issue is determined in favor of the petitioner, or if after notice the petitionee does not appear, or if no sufficient objection is made, the court shall render judgment that partition be made, and shall appoint a committee, consisting of 3 suitable persons, resident of the county, to make partition of the estate, to set off the shares of the several petitioners according to their respective titles and to award costs as they deem just.

547-C:12 Oath; Notice. The committee shall be sworn. They shall appoint a time and place of hearing, and cause notice thereof in writing, signed by the chairperson, to be served upon each person interested, or each interested person's agent or attorney, or to be left at each interested person's abode at least 7 days before the day of hearing.

547-C:13 Publication of Notice. If any petitionee or petitionee's residence is unknown the committee shall cause the notice to be published.

547-C:14 Setoff; Report. The committee shall make partition of the estate as directed in their commission, by setting off to each petitioner his or her just share thereof, according to his or her right, by proper metes and bounds or other distinct description, and shall return to the court a full report of their doings, with a particular description of each portion of the estate so set off.

547-C:15 Judgment; Record. If no sufficient objection appears, the court shall render judgment upon the report. The partition so made shall be recorded in the registry of deeds for the county where the real estate lies.

547-C:16 Costs. The committee shall award the costs of making the partition, and apportion the same in such manner as they think just, and shall make report thereof to the court.

547-C:17 Against Petitioner. If on the trial of an issue, as provided in RSA 547-C:10, it is determined that the petitioner has no share in the estate, or a less share than the petitioner claims, the petitionee shall recover the taxable costs of such trial.

547-C:18 Failure to Enter, Etc. If the petitioner fails to enter or prosecute his or her petition, costs shall be awarded in favor of all the petitionees upon whom service was made.

#### Undisputed Partition

547-C:19 Petition. If there is no dispute about the title, a petition for partition may be filed with the judge of probate for the county where the real estate or the greater part thereof lies, who shall appoint a time and place of hearing on the petition.

547-C:20 Notice. Notice of the petition and hearing shall be given to all parties interested, by giving to each in hand, or leaving at their abode, an attested copy of the petition and order of notice, at least 14 days before the day of hearing, or by causing the same to be published.

547-C:21 Procedure. If on the hearing no sufficient objection appears, the judge shall cause partition to be made by a committee, who shall be appointed, be sworn, give notice and proceed, and the court shall appoint guardians or agents for all minors or persons incapacitated, and agents for all persons unknown or out of the state, interested in such estate, receive and accept the report of such committee, and render judgment and award costs thereon, in the manner prescribed in this chapter.

#### Unequal Division and Sale

547-C:22 Division with Consent. Whenever an estate is so situated that it cannot be divided so as to give each owner his or her share of the estate without great prejudice or inconvenience, the whole or a part of the estate may be assigned, if the parties consent, to one of them, the assignee paying to the others who have less than their share such sums as the committee shall award.

547-C:23 Non-assent. If the parties will not consent to the division under RSA 547-C:22 the committee shall report the facts to the court.

547-C:24 Recommitment. If it appears to the court that the estate is divisible it shall recommit the report to the committee with instructions as to the division of the estate.

547-C:25 Sale. When the proceedings are pending, if it is alleged in the petition that the estate is so situated that it cannot be divided so as to give each owner his or her share of the estate without great prejudice or inconvenience and the court so finds, or if, upon the report of the committee that the estate is of the nature aforesaid, the court so finds, the court may order it to be sold and the proceeds from the sale to be divided among the owners according to their respective titles, and may make all other

orders that may be necessary to cause such sale and the distribution of the proceeds, as a court of equity may do in like cases.

547-C:26 Distribution Deferred. When it appears that an owner not residing within the territorial limits of the United States of America or any territorial possession thereof would not have the benefit or use or control of such proceeds due them and that special circumstances make it desirable that delivery of such proceeds to them be deferred, the court may order that such proceeds be paid to the state to be invested by the state treasurer and handled subject to such further order as such court may enter; provided a reasonable fee, as allowed by the court, of the attorney for any such owner shall be considered a lien thereon and shall be paid by the fiduciary having such funds in charge to such attorney prior to payment to the state treasurer.

547-C:27 Further Notice. If due notice to the petitionees has not been given, the court may continue the case and order such further notice of the pendency thereof as it may deem just, and when the order has been complied with it shall proceed with such division.

547-C:28 Mortgagees, etc. No partition shall be avoided by any conveyance made by a petitionee after the entry of the petition therefor, nor by any conveyance, unless duly recorded at the date of such entry, nor by any mortgage, attachment or lien thereon, whenever made, nor by the death of either party; but the share of each petitioner shall be set off in severalty, and be subject to all legal claims thereon, as if the claimant had been a party thereto.

547-C:29 Legal Owner. If in making partition a share is set off to any person other than the legal owner, such share inures to the benefit of the legal owner, his or her heirs or assigns, as if it had been set off to the legal owner.

61 Probate Court; Records. Amend RSA 548:5 to read as follows:

548:5 Records. [He] **The register shall appropriately record**[, in suitable books prepared for that purpose, the amount of footing of each class of property, as specified in the inventory;] all wills and their probate; all proceedings with regard to real estate; all accounts settled, and all orders, decisions, and appointments from which an appeal may be claimed. The register may, in addition to or in lieu of other recording, cause the originals of documents filed [with him] to be [photographed and preserved on microfilm] **copied and preserved in a manner provided in the retention and destruction schedule described in RSA 548:6.**

62 Probate Court Records; Retention and Destruction. RSA 548:6 is repealed and reenacted to read as follows:

548:6 Destruction of Records. The probate court, subject to the approval of the supreme court, shall establish retention and destruction schedules for those original files, papers and records in cases and matters disposed of by the court. The probate court shall be responsible for the implementation of the schedules and for directing that any files having the potential for historical significance shall be preserved or given to any public historical society or corporation organized for the preservation of historical documents. The schedule may provide for original records to be sent to the records center established under RSA 5.

63 Probate Courts; Requirements for Wills. Amend RSA 551:2, III and IV to read as follows:

III. Be signed by the testator, or by some person at his **or her** express direction in his **or her** presence; and

IV. Be signed by 2 or more credible witnesses, who shall, **at the request of the testator and** in the testator's presence, attest to [his] **the testator's** signature. No seal



shall be required. These requirements shall apply to all wills executed on or after [January 1, 1984. Wills executed on or before December 31, 1983, shall meet the same requirements, except that the required number of witnesses shall be 3] **January 1, 1993.**

64 Probate Courts; Proof; Solemn Form; Issues to Court. Amend RSA 552:7 to read as follows:

552:7 Proof, Solemn Form; **Issues to Court.** Any party interested may have the probate of a will which has been proved without notice re-examined, and the will proved in solemn form before the court of probate at any time within [six] **6 months of such probate. Any issue related to the execution of a will, testamentary capacity, or fraud, duress, or undue influence shall be tried to the court of probate, and any party interested may request the same within 6 months of such probate.**

65 Administration on Estate of Person Not Heard From. Amend RSA 553:18 to read as follows:

553:18 Appointment, etc. The judge may appoint an administrator upon the estate of a person who has left his **or her** home, and has not been heard of or from, directly or indirectly, for one year and whom [he] **the judge** believes to be dead, upon proof that notice has been published and given, as provided in the following section; but no distribution of his estate shall be made until [five] **3 years** after the granting of administration.

66 Special Administrator; Appointment. Amend RSA 553:20 to read as follows:

553:20 Appointment. Whenever, by reason of the [granting of a petition for jury] trial of factual issues in a proceeding involving the validity of a will, or by reason of an appeal from the appointment of an administrator on questions of law, or from any other cause, there is delay in determining the final grant of administration upon the estate of a decedent, a special administrator may be appointed, if the interests of the estate require it.

67 New Section; Temporary Administrator; Appointment. Amend RSA 553 by inserting after section 20 the following new section:

553:20-a Temporary Administrator. Upon petition or upon its own motion, the probate court shall have the power to appoint a temporary administrator to determine what assets, if any, are contained within the estate. An inventory of the assets shall be filed with the probate court within 60 days of the temporary administrator's appointment.

68 Special Administrators; Appointment by Probate Court. Amend RSA 553:21 to read as follows:

553:21 How Made. [Such appointment] **Appointments under RSA 553:20 and 553:20-a** may be made by the [judge or by the superior] court.

69 Special Administrator; Duties. Amend RSA 553:22 to read as follows:

553:22 Duties. The special administrator, under such directions and restrictions as may be inserted in his **or her** commission, shall return an inventory of the estate of the deceased, shall take care of and preserve [his] **the decedent's** property and effects, and shall do all other acts which [he] **the special administrator** may be directed by the judge [or the superior court] to perform. The place of taxation of the property of the deceased shall not be changed in consequence of such appointment.

70 Special Administrator; Bond. Amend RSA 553:23 to read as follows:

553:23 Bond. The special administrator shall give bond for the faithful performance of his duty, with sufficient sureties, to the satisfaction of the [judge or] court appointing him.

71 Special Administrator; Bond; Effect of Appeal. Amend RSA 553:24 to read as follows:

553:24 Effect of Appeal. No appeal from the appointment of a special administrator **on questions of law** shall suspend [his] **the special administrator's** duties; but in case his **or her** bond is alleged by a party interested to be insufficient, the [superior] **probate** court, upon summary proceedings, shall have power to order a new bond and an absolute or qualified stay of proceedings until the order is complied with.

72 Administrator; Inventory. Amend RSA 554:1 to read as follows:

554:1 Inventory. Every administrator, within [three] **3** months after [his] appointment, shall return to the probate office, under oath, a full, true and itemized account of all the estate of the deceased which has come to his knowledge. The inventory shall contain a description of the real estate; a correct schedule of all goods, chattels, stocks, bonds and other effects of the deceased; of all notes, with their dates and terms of payment, and the date and amount of each endorsement thereon; of all deposits in savings banks, with the name and location of each bank, the number of each book, the date of the last dividend, and the whole amount then due thereon less any withdrawals since that date; and a list and description of his other written evidences of debt. **If any person claims a present legal or equitable right of title to real or personal property listed in the estate of the deceased, the administrator may petition the probate court pursuant to RSA 547:11-b to determine the question as between the parties.**

73 Probate Court; Embezzlement. Amend RSA 555:4 to read as follows:

555:4 Refusal to Appear, etc. If the person so cited refuses to appear, or to answer interrogatories upon oath respecting the estate, the judge may, by warrant, commit [him] **such person** to the [common jail] **house of corrections**, there to remain until [he] **such person** consents to answer such interrogatories, or until [he is] released by the complainant or by order of the [superior] **probate** court.

74 Probate Court; Extension of Time. Amend RSA 556:28 to read as follows:

556:28 Extension of Time. Whenever any [one] **person** has a claim against the estate of a deceased person, which has not been prosecuted within the time limited by law, [he] **such person not under the exclusive jurisdiction of the probate court** may apply to the superior court, by petition setting forth all the facts; and if the court shall be of the opinion that justice and equity require it, and that the claimant is not chargeable with culpable neglect in not bringing his **or her** suit within the time limited by law, it may give [him] **the claimant** judgment for the amount due to him **or her**; but the judgment shall not affect any payments or compromises made before the beginning of the proceedings.

75 Trustee; Power of Probate Court. Amend RSA 564-A:5 to read as follows:

564-A:5 Power of Court to Permit Deviation or to Approve Transactions Involving Conflict of Interest.

I. This chapter does not affect the power of [a] **the probate** court [of competent jurisdiction] for cause shown and upon petition of the trustee or affected beneficiary and upon appropriate notice to the affected parties to relieve a trustee from any restrictions on [his] **the trustee's** power that would otherwise be placed upon [him] **the trustee** by the trust or by this chapter.

II. If the duty of the trustee and his **or her** individual interest or his **or her** interest as trustee of another trust, conflict in the exercise of a trust power, the power may be exercised only by **probate** court authorization (except as provided in subpara-

graphs (a), (d), (f), (r) and (x) of RSA 564-A:3, III) upon petition of the trustee. For purposes of this section, in the case of a corporate trustee personal profit or advantage to an affiliated or subsidiary company or association is personal profit to the trustee.

76 Bail and Recognizances; Appearances at Superior Court. Amend RSA 597:6 to read as follows:

597:6 Appearance at Superior Court. If the offense is bailable by the municipal or district court, the accused shall be ordered to recognize, in accordance with the provisions of RSA 597:2, for [his] **the accused's** appearance at the superior court, at the next term thereof for the county **or judicial district thereof** at which a grand jury is required to attend, and to stand committed until the order is complied with.

77 Bail and Recognizances; Copies; Subsequent Bail. Amend RSA 597:9 to read as follows:

597:9 Copies, Subsequent Bail. The justice issuing an order for the discharge of a prisoner shall file, in the office of the clerk of the superior court for the county **or judicial district thereof** in which the offense is alleged to have been committed, true and attested copies of the application to [him] **the justice** to take such recognizance, of the order [by him] made **by the justice** [thereon] **on the application**, of the recognizance taken, and a note of the warrant of discharge [by him] issued **by the justice**.

78 Bail and Recognizances; Copies; Binding Over. Amend RSA 597:11 to read as follows:

597:11 Copies, Binding Over. In the case of an order to recognize for appearance before the superior court, the district or municipal court shall cause true and attested copies of the complaint, other process, records and recognizances, together with any cash bail in the case, to be mailed or delivered to the clerk of the superior court of the county **or judicial district thereof** within 10 days after the date of such order for recognizance. A true and attested copy of the complaint or other process shall also be mailed or delivered to the county attorney and the state probation office for the county within said 10 days.

79 Bail and Recognizances; Venue. Amend RSA 597:34 to read as follows:

597:34 Venue. Actions upon recognizances may be brought and tried in the county **or judicial district thereof** in which they were taken, unless the court shall order the venue to be changed.

80 Recognizances for Appearance in Superior Court. Amend RSA 597:40 to read as follows:

597:40 Recognizance for Appearance in Superior Court. If a person is arrested in one county on a warrant for an offense alleged to have been committed in another county exceeding the jurisdiction of a justice to determine, the officer, on [his] **the arrestee's** request, shall take [him] **the arrestee** before a justice for the county **or judicial district thereof** in which [he is arrested] **the arrest was made**, and, upon [his] **the arrestee's** waiving examination, such justice may take [his] **the arrestee's** personal recognizance or recognizance with sufficient sureties upon the terms and conditions prescribed by this chapter for [his] **the arrestee's** appearance at the next term of the superior court for the county **or judicial district thereof** in which the offense is alleged to have been committed, and [he] **the arrestee** shall return to said court certified copies of the warrant and recognizance.

81 Grand Juries; Oath. Amend RSA 600:3 to read as follows:

600:3 Oath. Grand jurors before entering upon their duties shall take the following oath: You, as grand jurors [for the body of this county], do solemnly swear that you will diligently inquire, and a true presentment make, of all such matters and things as

shall be given you in charge; the state's counsel, your fellows' and your own you shall keep secret; and shall present no [man] **person** for envy, hatred or malice; neither shall you leave any unpresented for love, fear, favor, affection or hope of reward; but you shall present things truly as they come to your knowledge, according to the best of your understanding. So help you God.

82 Grand Juries; Application for Multicounty. Amend RSA 600-A:1 to read as follows:

600-A:1 Application for Multicounty Grand Jury. Application for a multicounty grand jury may be made by the attorney general to the supreme court. In such application the attorney general shall state that, in his **or her** judgment, the convening of a multicounty grand jury is necessary because of an alleged crime or crimes involving more than one county **or judicial district thereof** of the state and that, in his **or her** judgment, the grand jury functions cannot be effectively performed by a county grand jury. The application shall specify for which counties **or judicial districts thereof** the multicounty grand jury is to be convened.

83 Multicounty Grand Juries. Amend RSA 600-A:2, I to read as follows:

I. An order issued upon an application made pursuant to RSA 600-A:1 shall:

(a) Convene a multicounty grand jury having statewide jurisdiction, or jurisdiction over all counties **and judicial districts thereof** requested in the application by the attorney general;

(b) Designate a judge of a superior court to be supervising judge over such multicounty grand jury and provide that such judge shall, with respect to all proper activities of said multicounty grand jury, have jurisdiction over all counties **or judicial districts thereof** in the jurisdiction of said multicounty grand jury;

(c) Designate the counties **or judicial districts thereof** which shall supply jurors and in what ratios;

(d) Designate a location or locations for the multicounty grand jury proceeding; and

(e) Provide for such other incidental arrangements as may be necessary.

84 Multicounty Grand Juries; Indictment. Amend RSA 600-A:6 to read as follows:

600-A:6 Indictment; Designation of Venue; Consolidation. Any indictment by any multicounty grand jury shall be returned to the supervising judge and shall include a finding as to the county, **judicial district thereof**, or counties in which the alleged offense was committed. Thereupon, the supervising judge shall, by order, designate the county of venue for the purpose of trial. The supervising judge may, by order, direct the consolidation of an indictment returned by a county grand jury with an indictment returned by a multicounty grand jury and fix venue for trial.

85 Grand Juries; Indictment. Amend RSA 601:1 to read as follows:

601:1 Indictments, Necessity. No person shall be tried for any offense, the punishment of which may be death or imprisonment for more than one year, unless upon an indictment found against [him] **such person** by the grand jury of the county **or judicial district thereof** in which the offense is committed or is triable.

86 Venue; Parts of Offense in More Than One County. Amend RSA 602:1 to read as follows:

602:1 Parts of Offense in More Than One County, etc. Offenders shall be prosecuted and tried in the county **or judicial district thereof** in which the offense was committed. But if any person is feloniously stricken, wounded or poisoned in one county **or judicial district thereof** and dies thereof in another, or if parts of an



offense are committed in more than one county or judicial district thereof, the offense shall be deemed to have been committed, the offender may be prosecuted, and the trial may be had in either county or judicial district thereof.

87 Indigent Defendants; Repayment. Amend RSA 604-A:9, I and I-a to read as follows:

I. Any adult defendant who has had counsel or a public defender assigned to him at the expense of the state shall [at the time of disposition], provided that the defendant's sentence does not include actual incarceration in the state prison, if the defendant is not placed on probation or sentenced to a period of conditional discharge, be ordered by the court under paragraph I-b to repay the state through the unit of cost containment, all fees and expenses paid on his behalf on such terms as the court may order consistent with the defendant's present or future ability to pay, such ability to be determined by the unit of cost containment. The office of cost containment may collect from the defendant a service charge of up to 10 percent of the total amount of fees and expenses owed by such defendant. If the defendant is placed on probation or sentenced to a period of conditional discharge, the defendant shall be ordered by the court to repay the state, through the department of corrections, all fees and expenses paid on his behalf on such terms as the court may order consistent with the defendant's present or future ability to pay.

I-a. Notwithstanding the provisions of paragraph I, any juvenile charged with being delinquent who has had counsel or a public defender assigned to him at the expense of the state, or any person liable for the support of the juvenile pursuant to RSA 604-A:2-a, shall [at the time of disposition,] be ordered by the court to repay the state through the unit of cost containment, all fees and expenses paid on the defendant's behalf on such terms as the court may order consistent with the defendant's present or future ability to pay. The office of cost containment may collect from the defendant or the person liable for his support a service charge of up to 10 percent of the total amount of fees and expenses owed by such defendant.

88 Conditional Discharge. Amend RSA 651:2, VI to read as follows:

VI. A person may be sentenced to a period of conditional discharge if he is not imprisoned and the court is of the opinion that probationary supervision is unnecessary, but that the defendant should conduct himself according to conditions determined by the court. Such conditions may include (a) restrictions on the defendant's travel, association, place of abode, such as will protect the victim of the crime or insure the public peace; (b) an order requiring the defendant to attend counselling or any other mode of treatment the court deems appropriate; [and] (c) restitution to the victim; and (d) **performance of not more than 50 hours of uncompensated public service, such service being of a sort that in the opinion of the court will foster respect for those interests violated by the defendant's conduct. However, no person who performs such public service under this paragraph shall receive any benefits that any such employer for whom the service is performed gives to its other employees, including, but not limited to, workers' compensation and unemployment benefits, and no such employer shall be liable for any damages sustained by a person while performing services for the benefit of the employer or any damages caused by that person unless the employer is guilty of gross negligence.** The period of a conditional discharge shall be 3 years for a felony and one year for a misdemeanor or violation. However, if the court has required as a condition that the defendant make restitution or reparation to the victim of his offense or that the defendant perform community service and that condition has not been

satisfied, the court may, at any time prior to the termination of the above periods, extend the period for a felony by no more than 2 years and for a misdemeanor or violation by no more than one year in order to allow the defendant to satisfy the condition. During any period of conditional discharge the court may, upon its own motion or on petition of the defendant, discharge the defendant unconditionally if the conduct of the defendant warrants it. The court is not required to revoke a conditional discharge if the defendant commits an additional offense or violates a condition.

89 Repeal. The following are repealed:

I. RSA 464-B, relative to the uniform principal and income act.

II. RSA 500-A:1, VI and VII, relative to definitions of "town lists" and "voter registration list."

III. RSA 500-A:3, relative to the preparation of the master jury list.

IV. RSA 500-A:20, II, relative to penalties.

V. RSA 502:15-c, relative to municipal court audits.

VI. RSA 538, relative to partition of real estate.

VII. RSA 547:4, relative to probate court jurisdiction over conservators and guardians.

VIII. RSA 547:5, relative to probate court jurisdiction over adoption, homestead, etc.

IX. RSA 547:6, relative to probate court jurisdiction over partition.

X. RSA 547:7, relative to probate court jurisdiction over change of name.

XI. RSA 562, relative to division of real estate among heirs and devisees.

XII. RSA 567-A:10, relative to jury trials in probate cases.

XIII. RSA 567-A:11, relative to jury findings.

XIV. RSA 651:2, VI-a, relative to public service as a condition of discharge.

90 Effective Date.

I. Sections 25, 26, 45-47, 51, 76-80, and 82-86 of this act shall take effect July 1, 1992.

II. The remainder of this act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill implements recommendations of the New Hampshire supreme court long-range planning task force, including:

(1) Changes to expand the definition of "absentee" qualifying for a conservatorship appointment and to require the appointment of a guardian of the estate of a minor to settle a claim over \$5,000 on behalf of the minor.

(2) Allowing the supreme court to make part-time district and probate court judges full-time without the current 70 percent requirement.

(3) Restructuring the judicial council.

(4) Increasing the jurisdiction of the probate and district courts and amending statutes relative to superior court jurisdiction to conform to the increased jurisdiction of the other courts.

(5) Providing for establishment of retention and destruction schedules for court records.

(6) Providing for department of safety drivers' license list as jury pools.

(7) With regard to the district courts, updates methods of determining salaries of the district court special justices; increases district court jurisdiction, including equity jurisdiction; authorizes the supreme court to create regional jury trial courts; and

increases the damage amount which entitles the defendant to transfer a case for jury trial to conform with the New Hampshire constitution.

(8) Consolidating partition of real estate laws so that all such cases shall be heard originally in the probate courts.

(9) Repealing landlord/tenant appeals to the superior court.

(10) With regard to the probate courts, consolidates existing and new probate court jurisdiction; provides that trials in probate court will be non-jury; provides for probate court jurisdiction in equity and declaratory judgment matters; provides probate court jurisdiction to quiet title and over express trusts and concurrent jurisdiction with the superior court over other trusts and charitable uses; provides right of appeal to superior court where constitutionally required; updates methods of determining salaries of probate court referees and masters; and provides jurisdiction to the probate court with respect to fraud, duress, and undue influence as they relate to the execution of a will.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1254**, removing certain benefits from the calculation which determines the amount of wages a person is receiving for the purposes of unemployment compensation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary L. Daniels for Labor, Industrial and Rehabilitative Services: This bill will expedite the cases heard before the Public Employees Labor Relations Board, which now has a backlog of cases pending. The addition of a hearings examiner will enable the Board to refer unfair labor practice charges to the hearings examiner, allowing cases to move more swiftly on the Board's docket since there will be no requirement for a quorum or for travel by the three members of the Board in order to attend hearings. This would also reduce the expense of Board meetings. Vote 10-0.

5173L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to public employee labor relations board hearings.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The changes made in this act will enable the public employee labor relations board to refer pending matters for hearing before a hearing officer. The legislation permits unfair labor practice charges to be heard by a hearing officer as is currently the practice for unit determination matters and, in that respect, makes RSA 273-A internally consistent. Because these matters may be heard by a hearing officer, cases will move more swiftly on the board's docket since there will be no requirement for a quorum or for travel by 3 members of the board in order to attend hearings. The board shall retain the right to exert its original jurisdiction for cases which it believes merit its attention and will continue to act as an appellate tribunal for matters heard by a hearing officer. Because the board's docket and workload are growing, both in the number of cases filed and decided and in the breadth of jurisdiction conferred upon it, namely, the racetrack amendments, this legislation is timely and required if the board's docket is not to become clogged or more delayed.

2 Hearings Conducted by Hearing Officer. Amend RSA 273-A:6 to read as follows:

I. The board shall have primary jurisdiction of all violations of RSA 273-A:5, but no complaint may be filed with the board for violation of RSA 273-A:5, I(c) or (d) until the complainant has exhausted the administrative remedies provided by statutes other than this chapter. **The board may refer any prohibited practice charges, as defined in RSA 273-A:5, to a hearing officer who shall conduct a hearing, make findings of fact, and report to the board within the time limits set forth in this section.**

II. Complaints shall be filed by affidavit. A copy of the complaint shall be given to the party complained against at the time the complaint is filed. The board **or its designee** shall hold a hearing within 45 days under rules adopted by the board pursuant to RSA 541-A and shall give 5 working days' notice of the hearing by certified mail to all persons required to appear and to the representative of [a] any party against whom a complaint has been filed.

III. The board may issue a cease and desist order if it deems one necessary in the public interest, pending the hearing.

IV. The board **or its designee** shall have the power to compel the attendance of witnesses and the production of documents by the issuance of subpoenas, and to take testimony under oath, as provided in RSA 516, and may delegate such powers to any persons it may appoint.

V. Both parties shall have the right to be represented by counsel.

VI. The board **or its designee** shall render its decision within 45 days after the hearing, in accordance with rules adopted by the board pursuant to RSA 541-A. Upon finding that a party has violated RSA 273-A:5, the board may (a) issue a cease and desist order; (b) order reinstatement of an employee with back pay; (c) require periodic reporting of compliance; (d) order payment of the costs incurred by a party negotiating in good faith in negotiations found by the board to have been carried on not in good faith by the other party, if the board finds such penalty appropriate to the circumstances; or (e) order such other relief as the board may deem necessary.

VII. The board shall summarily dismiss any complaint of an alleged violation of RSA 273-A:5 which occurred more than 6 months prior to the filing of the complaint with the body having original jurisdiction of that complaint.

**VIII. Any proceeding referred to a hearing officer under this section or RSA 273-A:8, I shall be reviewable by the board on motion of any party thereto or on motion of the board if the motion is made within 30 days of the rendering of such decision; otherwise the decision shall become final. The review by the board may result in approval, denial, or modification of the decision of the hearing officer and may be made administratively by the board without a hearing de novo unless ordered by the board.**

3 Positions. The public employee labor relations board shall hire the following personnel to carry out the purposes of this act:

I. Hearing officer, labor grade 26.

II. Clerk III, labor grade 7.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill authorizes certain matters normally heard by the public employee labor relations board to be heard before a hearing officer who is to report back to the board. The board will continue to act as the appellate tribunal for such matters.

Adopted.



Rep. Hawkins yielded to questions.

Report adopted.

Referred to Appropriations.

**HB 1276-FN**, relative to hearings on the state budget by legislative policy committees. **REFER FOR INTERIM STUDY.**

Rep. Miriam D. Dunn for Legislative Administration: This bill proposes public hearings by all state departments before the various legislative policy committees, specifically on budget matters. However, the timing of such hearings would be burdensome on both the departments and the committees. Interim study is recommended so that the issues in this bill can be incorporated into new Legislative Orientation plans as well as Committee orientation for the 1993 Session. There is an important list of departments, agencies, boards and commissions for which policy committees are responsible. Vote 10-1.

Referred for Interim Study.

**HB 1322**, allowing legislators to testify before the fiscal committee and limiting certain powers of the fiscal committee. **REFER FOR INTERIM STUDY.**

Rep. Caroline L. Gross for Legislative Administration: If the Interim Study is adopted, the Committee recommends that the Speaker send the bill to Interim Study by the Appropriations Committee for reasons similar to those outlined in greater detail in the Committee report on HB 1427. Because Interim Study by Appropriations is unusual, this bill is not on the consent calendar even though the vote was 12-0.

Referred for Interim Study.

**HB 1401**, requiring the mandates task force to study the impact of the development of the prison facility in the city of Laconia. **INEXPEDIENT TO LEGISLATE.**

Rep. Elizabeth A. Moore for Legislative Administration: The testimony offered at the hearing on House Bill 1401 did not reveal serious hardships or monetary costs to the City of Laconia because of the establishment of the Lakes Region Facility of the New Hampshire Department of Corrections in October, 1991. The facility is at the site of the former Laconia State School. It was reported that the city bill the state for municipal services. The superintendent of the facility feels that there are good lines of communication with all levels of government in Laconia. The Committee felt there was no need for the Mandates Task Force to be involved. Vote 10-1.

Rep. Rosen moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Reps. Salatiello and Horton spoke in favor.

On a division vote, 194 members having voted in the affirmative and 114 in the negative, the motion passed.

Rep. Rosen offered a floor amendment and spoke in favor.

Rep. Horton spoke in favor.

5243L

### Floor Amendment

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

Adopted.

The substituted Committee report was adopted.

Ordered to third reading.

**HB 1427**, to restrict the policymaking authority of the fiscal committee. REFER FOR INTERIM STUDY.

Rep. Caroline L. Gross for Legislative Administration: The full Committee was first presented with an amendment that completely rewrote the bill two days before the final deadline to report the bill out of committee. The sponsors themselves agree that the amendment needed further work. Rather than killing the bill, the Committee looked through both the original bill (40 pages) and the proposed amendment (28 pages) and agreed that it is indeed time to undertake a thorough review of the number and scope of the responsibilities that have been delegated, piece by piece, to the Fiscal Committee over the years. Although the Committee vote for Interim Study was 12-0, the bill was not placed on the consent calendar because, if Interim Study is adopted, the Committee urges the Speaker designate the Appropriations Committee to perform, define and co-ordinate the study. This is not normally done. However, neither the original bill nor the amendment has been formally reviewed by Appropriations and it was apparent at the hearing the differences of opinion about parts of the bill do exist among even the small number of Appropriations Committee members in attendance. The Committee further recommends that in its study of Fiscal Committee statutes, Appropriations be asked to consult both the policy and statutory committees and the state agencies that would be affected by proposed changes in current laws involving the Fiscal Committee. Potential sections affecting the Judicial Branch, the Legislative Facilities Committee, the Performance Audit and Oversight Committee, the Postsecondary Education Commission and the Department of Fish and Game were among those specifically mentioned as entities that should be consulted before changes affecting their relationship with the Fiscal Committee are made.

Referred for Interim Study.

**HR 50**, urging the speaker of the house to create a committee to establish a state-wide hospital health insurance plan based on regional criteria. INEXPEDIENT TO LEGISLATE.

Rep. Elizabeth A. Moore for Legislative Administration: While the Committee agrees that the problem of providing health insurance is one of the most important issues facing us as a society, it was felt that existing policy committees are best qualified to perform such a study. The Speaker already has authority to appoint ad hoc committees unless otherwise ordered by the House. A House policy committee can conduct such a study or the Speaker can request it — creating another committee is not necessary at this time. Vote 11-0.

Adopted.

**HR 52**, urging the leadership to assign bills pertaining to health insurance to both the commerce, small business and consumer affairs committee and the health, human services and elderly affairs committee. INEXPEDIENT TO LEGISLATE.

Rep. Caroline L. Gross for Legislative Administration: At the public hearing the prime sponsor testified that she was not certain that this resolution as written is the best way to solve the problem. Nonetheless, she introduced it because she believes that the problem — how best to handle the referral of a single piece of legislation addressing issues of legitimate concern to more than one House policy committee — needs to be addressed. The Committee agrees. But joint referral of a bill to more than one policy committee as proposed in the resolution has drawbacks, whether the bill is referred simultaneously to committees which must act jointly, or consecutively to a second policy committee which acts after the first committee has completed its review

and made its recommendation. The Committee vote of 10 to 1 in favor of Inexpedient to Legislate is made in the hope that better ways to handle what is becoming a frequent problem can be found for both the short and long term. Specifically, it is suggested that for the remainder of this session policy committees with overlapping jurisdictions continue to explore the use of joint subcommittees regardless of which committee has actual physical possession of the bill. And in preparation for the 1993-1994 session, it is suggested that committees with overlapping jurisdictions consider amendments to House Rules to either amend jurisdictions or provide for a more formal process for joint consideration.

Adopted.

**HB 1235**, establishing a task force to evaluate the metric system in the manufacture of product. MAJORITY: INEXPEDIENT TO LEGISLATE, MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Robert R. Jean for the Majority of Science, Technology and Energy: While all members of the committee recognize the implementation of the metric system in New Hampshire is essential to our economic future, the Majority of the Committee believe a task force would do little, if anything, to further that goal. Vote 9-3.

Rep. Arthur P. Ferlan for the Minority of Science, Technology and Energy: The bill, with floor amendment, proposes establishment of a task force comprising industry, education and New Hampshire government to obtain and disseminate facts about the metric system of measurements for industrial application. At the original committee hearing, eight (8) people provided favorable testimony. No one opposed the bill. The United States is the only major world country still using the 300-year old English system and trying to sell products incompatible with world needs, life left-handed auto drives to a right-handed world. Current United States law states that to the extent economically feasible, metric manufactured products are to be delivered to NASA, DOD, etc. starting in November 1992. We need to jumpstart the New Hampshire economy. The metric system of measurement will help. Vote. 9-3.

#### LAI D ON THE TABLE

Rep. Ferlan moved that **HB 1235**, establishing a task force to evaluate the metric system in the manufacture of products, be laid on the table.

On a division vote, 171 members having voted in the affirmative and 133 in the negative, the motion was adopted.

#### REGULAR CALENDAR (continued)

**HCR 23**, urging the federal government to pass legislation limiting the cost of prescription drugs. INEXPEDIENT TO LEGISLATE.

Rep. George N. Katsakiores for State-Federal Relations: Despite the understanding that prescription prices are increasing at an alarming rate, the resolution presented runs counter to America's "free enterprise system" by requiring federal price controls. Further, the resolution requires "profit margin" publication of all drugs, the prohibition of research and development costs onto consumers costs and government oversight on drug prices. Vote 6-4.

Adopted.

**HCR 29**, urging Congress to reduce military spending in light of the end of the Cold War. INEXPEDIENT TO LEGISLATE.

Rep. George N. Katsakiores for State-Federal Relations: The resolution presented asks Congress to convert reduced military spending to domestic needs. As noble as the cause is, the Budget Enforcement Act of 1991 sets forth an agreed spending plan

Congress and the administration agreed to. The Enforcement Act of 1991 was destined to ultimately reduce the federal deficit over a period of several years. Vote 6-4.

Adopted.

**HB 1143-FN-A**, relative to administrative fines, court fines for violations of weights and measures laws, continually appropriating a special account to the bureau of weights and measures, and increasing the per-brand registration fee for commercial feed. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. Charles W. Ferguson for Appropriations: The committee used this bill to increase the fees for commercial feed and increased the appropriation for the Bureau of Markets for the inspection of commercial animal feeds and fertilizers and for the inspection of small business operators' scales. Vote 18-0.

5157L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

increasing the per-brand registration fee for commercial feed and  
establishing an agricultural product and scale testing fund.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Agricultural Product and Scale Testing Fund. Amend RSA 6:12, I by inserting after subparagraph (uu) the following new subparagraph:

(vv) One-half the registration fees collected under RSA 435:20, which shall be credited to the agricultural product and scale testing fund, established under RSA 435:20, IV.

2 Increasing Fees. Amend RSA 435:20, II and III to read as follows:

II. No person shall distribute in this state a commercial feed, except a customer-formula feed, which has not been registered pursuant to the provisions of this section. Applications for registration, accompanied by a [\$25] **\$50** per-brand registration fee, shall be submitted in a manner prescribed by the commissioner. Upon approval by the commissioner, a registration shall be issued to the applicant. All registrations shall expire on December 31 of each year.

III. The commissioner may refuse to register any commercial feed not in compliance with the provisions of this subdivision and to cancel any registration subsequently found not to be in compliance with any provision of this subdivision; provided that upon the refusal of registration, the [\$25] **\$50** registration fee shall be returned to the applicant; and provided further that no registration shall be refused or cancelled unless the applicant or registrant has been given an opportunity to appear at a hearing before the commissioner and to amend his application in order to comply with the requirements of this subdivision.

3 Supplemental Appropriation; Department of Agriculture; Bureau of Markets. Amend PAU 02, 03, 03 as follows:

Insert

FY 93

91 Agricultural product and scale testing

77,500

03 Revolving Funds

77,500

4 New Paragraph; Agricultural Product and Scale Testing Fund. Amend RSA 435:20 by inserting after paragraph III the following new paragraph:

IV. One-half of the fees collected under this section shall be deposited with the state treasurer into a separate, nonlapsing account to be known as the agricultural



product and scale testing fund. The remainder of the fees collected under this section shall be deposited in the general fund.

5 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

The bill establishes an agricultural product and scale testing fund into which half of the registration fees collected for commercial feed will be deposited.

The bill also increases the per-brand registration fee for commercial feed.

Adopted.

Roll call request not sufficiently seconded.

Report adopted.

Ordered to third reading.

**HB 1252-FN**, creating exceptions from and reciprocity for state water laboratory certification, clarifying the use of fees for certifying state water laboratories, and changing the special account into a special continuously appropriated revolving fund account. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. John P. Chandler for Appropriations: This bill enables DES to recover actual costs of certification in certain cases and to retain such revenue to offset associated expenses. The amendment requires that any balance in excess of \$1000 at the end of each fiscal year lapse to the general fund and removes the proposed exemption for political subdivisions inasmuch as technical services are clearly received for the costs charged. Vote 19-0.

5150L

#### Amendment

Amend RSA 485:46, II as inserted by section 3 of the bill by replacing it with the following:

II. The schedule of fees shall be designed to recover **the costs of staff and** the direct cost and travel expenses associated with the certification services provided under RSA 485:44, and such fees shall be available to the department to be used to defray the cost of **staffing, and the cost of** travel and associated expenses for such services. Funds received shall be deposited in a special **revolving fund** account maintained by the department **which shall be continuously appropriated to the department** to offset the costs of the [inspection] **certification** program. Any balance **in excess of \$1,000** remaining at the end of the fiscal year shall lapse to the general fund. This paragraph shall not be construed to mean that all agency costs associated with the certification program, such as agency overhead[,], **and** facilities[,], and staff services] are to be prorated and recovered by fees.

#### AMENDED ANALYSIS

This bill adds certain exceptions from certification for state water laboratories, allows certification fees to be used for staffing and costs associated with certification services, and permits the department of environmental services to enter into reciprocal agreements with other laboratories that are certified by the United States Environmental Protection Agency.

This bill also changes the special account into a special continually appropriated revolving account.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1321-LOCAL**, imposing controls on the budget, including limiting budget increases, and relative to procedures to be followed when there is a revenue shortfall or a budget surplus. **REFER FOR INTERIM STUDY.**

Rep. Charles W. Ferguson for Appropriations: The committee felt that this bill had merit, but felt it should be studied in the interim when the committee had more time to more closely examine the details of the bill. Vote 19-0.

Rep. Jacobson spoke in favor.

Referred for Interim Study.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet March 4 at 10:00 a.m..

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 1054-FN**, relative to the industrial development authority.

**HB 1211**, permitting public employees to file an unfair labor practice complaint after a certain time without exhausting administrative remedies.

**HB 1216**, allowing certain funds to be transferred to the new women's dormitory account at the New Hampshire technical institute.

**HB 1227-A**, decreasing the bonding authorized relative to the Manchester access ramp project.

**HB 1238-FN**, authorizing the reconstruction of the Route I-89 exits 18 and 20 interchanges in Lebanon.

**HB 1347-A**, designating money for the planning and design of a regional vocational education center in Milford.

**HB 1323-L**, forming a study committee to develop a survey to be used by the department of education to collect and compile information regarding major school construction projects.

**HB 1344**, requiring the house environment and agriculture and the senate environment committees to review the laws relative to solid waste management.

**HB 1372-FN**, placing restrictions on the sale and disposal of manganese, zinc carbon, oxide and nickel-cadmium batteries.

**HB 1390-FN**, providing a 5 percent cost of living adjustment for teacher members of the retirement system and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

**HB 1399-FN**, changing the name of the board of examiners of psychologists to the board of examiners of psychology and mental health practice. expanding such board, and certifying mental health counselors.

**HB 1183-FN**, relative to the importation, propagation and possession of aquatic and wildlife species.

**HB 1453**, establishing a study committee to review existing shellfish waters monitoring and closure procedures.

**HB 689-FN**, relative to implied consent and administrative motor vehicle license suspension.

**HB 1123**, establishing procedures for representation in small claims court and authorizing persons to appear for corporations, partnerships, and trusts in district court.

**HB 1217-L**, requiring a peace officer to give written notice of certain charges to the county attorney.

**HB 1353**, relative to civil recovery of damages for shoplifting.

**HB 1462-FN**, establishing a committee to examine all aspects of parole eligibility.

**HB 1498-FN**, relative to drug forfeiture.

**HB 1298**, allowing any municipal fire or police department, or independent emergency service, to record incoming and outgoing central dispatch and emergency telephone calls.

**HCN 20**, urging the federal government to establish a post office in the town of Lee.

**HCN 26**, urging the New Hampshire legislature and the New Hampshire Congressional delegation to discourage certain Air Force testing of F-16 fighter aircraft in New Hampshire airspace.

**HCN 28**, urging the federal government to restore full funding for prescription drugs for veterans with service-related disabilities.

**HB 1499-FN**, relative to inter-track wagering and the conduct of simulcast racing.

**HB 1414-FN-A**, relative to the medicaid plan to enhance the funding of services for children and families and making an appropriation therefor.

**HB 1496-FN-L**, relative to the funding methodology of the retirement system.

**HB 1485**, relative to children and family services, requiring the division for children and youth services to use reasonable efforts to preserve families while providing services designed to protect children.

**HB 1262**, relative to the rulemaking authority of the bank commissioner.

**HB 1105**, relative to disclosure of campaign contributions by candidates for local and school district elections.

**HB 1439**, instituting a motor vehicle emissions inspection program and requiring a study of diesel and other vehicles.

**HB 1128**, classifying certain misdemeanors as either class A or class B.

**HB 1187**, making it first degree assault to knowingly or recklessly cause serious bodily injury to a person under 13 years of age.

**HB 1293**, reducing the penalty for adultery from a misdemeanor to a violation

**HB 1407**, repealing laws relative to abortion.

**HB 1494-FN-L**, implementing the recommendations of the New Hampshire supreme court long-range planning task force regarding the judicial branch.

**HB 1401**, requiring the mandates task force to study the impact of the development of the prison facility in the city of Laconia.

**HB 1143-FN-A**, increasing the per-brand registration fee for commercial feed and establishing an agricultural product and scale testing fund.

**HB 1252-FN**, creating exceptions from and reciprocity for state water laboratory certification, clarifying the use of fees for certifying state water laboratories, and changing the special account into a special continuously appropriated revolving fund account.

### SUSPENSION OF RULES

Rep. Hager moved that the rules be so far suspended as to permit the Committee on Appropriations to hold a public hearing on **HB 1254**, relative to public employee labor relations board hearings, without the required notice, and spoke in favor.

Adopted by the necessary two-thirds.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:55 p.m.

#### RECESS

#### NOTICE OF RECONSIDERATION

Having voted with the prevailing side, Rep. William Boucher served notice that today, March 3, or some subsequent day as limited by the rules he will move that the House reconsider its action whereby it found **HB 1225-FN-L**, to exempt all political subdivisions of the state from the payment of certain fees imposed by the department of environmental services, Inexpedient to Legislate.

Rep. Michael Hill moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 15

Wednesday, March 4, 1992

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

Almighty God, we give You thanks for this day and its opportunities for service. Make us keenly aware of the people whose lives will be affected by decisions made here. And grant unto each member of this body the courage both to speak and hear the truth; the energy to look at familiar issues from new angles; and the vision to use the resources of this state for the creation of a common good. Amen.

Rep. Bert Ford led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Robert Foster, Morse, Kinney, Ann Torr, Parr, Fenton, Gilbreth, Thomas Christie, Anderson, Wells, Stapleton, Malcolm and Palazzo, the day, illness.

Reps. Whittemore, Wadsworth, Champagne, Lefebvre, DePecol, Kincaid, Schmidchen, Haettenschwiller, A. Gibb Dodge, Golden, Marston and Keith, the day, important business.

Rep. Senter, the day, death in the family.

Reps. Appleby and Simon, the day, illness in the family.

### INTRODUCTION OF GUESTS

Martin Gross, husband of Rep. Gross. Jane Chandler, wife of Rep. John Chandler. Cub Scout Pack 40, Den 5 and Mrs. Demers, guests of Rep. Behrens. Sunapee High School history class and Mrs. Rude, guests of Reps. Behrens and Rodeschin. Ellen Greenhalgh, guest of Rep. Cowenhoven.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**HB 1265-FN**, regulating small motor mineral dredging and panning, was removed at the request of Rep. Dickinson.

**HB 1386-FN-A**, establishing a foundation aid formula study committee, authorizing the committee to hire a consultant to study different methods of financing education and making an appropriation therefor, was removed at the request of Rep. Hager.

Consent Calendar adopted.

**HB 214-FN-A**, creating a new class of highways for access to public waters and making an appropriation therefor. (A) **INEXPEDIENT TO LEGISLATE**.

Rep. Raymond C. Buckley for Appropriations: The action called for in this bill has been included in HB 601-FN-A, making this bill unnecessary. Vote 18-0.

**HB 1134-FN**, establishing a special fund from the sale of timber harvested on fish and game department property for wildlife management purposes. **INEXPEDIENT TO LEGISLATE**.

Rep. Laurent J. Boucher for Appropriations: This bill creates a dedicated fund within a dedicated fund; and is not needed because timber harvest money is protected in the operating budget under the wildlife management PAU. Vote 18-0.

**HB 1153-FN-A**, authorizing the division of human services to assess an administrative fine on employers for failing to comply with an assignment order and continually appropriating such fines to the division.(A) OUGHT TO PASS WITH AMENDMENT.

Rep. Neal M. Kurk for Appropriations: The bill provides for an administrative fine on employers who willfully fail to comply with wage assignment obligations. The amendment makes clear that the fine is \$100 per employee per pay period, corrects the effective date and eliminates an additional payment to a designated fund. A small but indeterminable amount of revenue is involved. Vote 16-0.

5242L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

authorizing the division of human services to assess an administrative fine on employers for failing to comply with an assignment order.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Failure to Comply with Wage Assignment Order Penalty Added. Amend RSA 458-B:6 by inserting after paragraph X the following new paragraph:

XI. That the employer shall be liable for an administrative fine of \$100 per pay period for each employee who has wage assignment obligations with that employer payable directly to the division with respect to whom the employer has willfully failed to comply with the provisions of paragraphs II and IV. Prior to assessing such fine against the employer, the division shall notify the employer of its intent to assess the fine, the amount of the fine, the date by which the fine is payable, and shall provide the employer with the opportunity to contest the imposition of the fine. The only basis for contesting the imposition of such fine is a mistake of fact or that the employer did not knowingly fail to comply with the provisions of paragraphs II and IV.

2 Effective Date. This act shall take effect July 1, 1992.

**HB 1155-LOCAL**, relative to school attendance laws and homeless children.(A) REFER FOR INTERIM STUDY.

Rep. Douglas E. Hall for Appropriations: This bill raises questions regarding new mandates for costs to be incurred by school districts. We drafted an amendment to address part of that problem, but attempts to solve the remainder involved complex policy issues. We feel the policy committee should address the mandate question during interim study. Vote 17-0.

**HB 1186-FN**, authorizing the department of fish and game to purchase certain dams in the town of Canterbury. OUGHT TO PASS WITH AMENDMENT.

Rep. Gerald P. Merrill for Appropriations: There were two dams in this bill. The committee amended the bill to approve the purchase of the Morrill Dam only. This dam will be purchased with Federal and Fish and Game funds — 75 percent Federal, 25 percent Fish and Game. Vote 17-0.

4820L

#### Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

authorizing the department of fish and game to purchase the Morrill Pond dam and abutting property in the town of Canterbury.

Amend the bill by replacing section 1 of the bill with the following:

1 New Paragraph; Authorization to Purchase Morrill Dam. Amend RSA 482:48 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any of the above provisions, the fish and game department is authorized to accept approximately 77 acres abutting Morrill Pond and Morrill Pond dam, No. 38.21 in its current state of disrepair, for the purpose and intent of future dam construction for wildlife management.

## AMENDED ANALYSIS

This bill authorizes the department of fish and game to purchase Morrill Pond dam and abutting property in the town of Canterbury.

**HB 1376-FN-L**, requiring the department of environmental services to pay 20 percent of the annual amortization charges on the original costs resulting from the acquisition and construction of a sewage disposal facility by the North Conway water precinct. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Merle W. Schotanus for Appropriations: The bill, as amended, clarifies legislative intent relative to state contributions to town construction of sewage disposal facilities; and authorizes reimbursement to the town of Conway for 20% of eligible costs incurred to date from funds not otherwise appropriated. Vote 20-0.

5240L

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

requiring the department of environmental services to assume 20 percent of eligible costs of the Conway sewer system project and making an appropriation for costs payments.

Amend the bill by replacing all after the enacting clause with the following:

1 Alternate State Contribution; Conway Sewer System Project Costs; Department of Environmental Services. Amend RSA 486:3 to read as follows:

486:3 Alternate State Contribution. Any of the municipalities of Derry, Salem, Wolfeboro, Hampton, Sunapee, Rochester, Laconia or any other municipality [in receipt of an order issued by the division according to its priority criteria to undertake] **which undertakes** the construction of sewage disposal facilities in accordance with the provisions of RSA 485 or 485-A without the benefit of a federal grant is entitled to an alternate state contribution. This alternate contribution shall consist of the payment of 20 percent of the annual amortization charges, meaning principal and interest, on the original costs resulting from the acquisition and construction of the sewage disposal facilities. The word "construction" shall include engineering services, in addition to the construction of new sewage treatment plants, pumping stations, and intercepting sewers; and the altering, improving or adding to existing treatment plants, pumping stations and existing intercepting sewers, provided that the construction has been directed by the division or is an undertaking designed to control or reduce pollution in the ground or surface waters of the state, as defined in RSA 485-A:2, and provided that the plan for the facilities is approved in accordance with

RSA 485:8. The term "original costs" as used in this section shall mean the entire cost of the construction as defined above, excluding land acquisition, easements, and rights of way necessary to the project.

2 Costs; Conway Sewer System Project.

I. The department of environmental services shall determine the eligible costs of the Conway sewer system project paid through the effective date of this act and shall assume 20 percent of such costs and the interest costs related to that 20 percent on bonds issued on such project.

II. The governor is authorized to draw his warrant for the annual amortization payments of principal and interest made for the eligible costs in paragraph I out of any money in the treasury not otherwise appropriated through the biennium ending June 30, 1993, and such sum is hereby appropriated.

3 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill requires the department of environmental services to determine the eligible costs of the Conway sewer system project and assume 20 percent of such costs and the interest costs related to that 20 percent on the project bonds.

**HB 1393-FN**, establishing that fines for summonses for motor vehicle violations for which a plea may be made by mail be paid to the division of motor vehicles.(A) REFER FOR INTERIM STUDY.

Rep. Channing T. Brown for Appropriations: This bill would have fines from motor vehicle violations be made payable by mail to the division of motor vehicles rather than to district courts. Because of questions of changes needed in policy sections brought by the division of motor vehicles and possible start-up and operating costs of approximately \$100,000, the Appropriations Committee feels further study is indicated. Vote 16-0.

**HB 1402-FN**, exempting from competitive bidding purchases of services from non-profit organizations by certain state agencies for severely disabled or emotionally disturbed children.(A) OUGHT TO PASS WITH AMENDMENT.

Rep. Pamela B. Bean for Appropriations: This bill exempts the purchases of services from non-profit organizations by certain state agencies for severely disabled or severely emotionally disturbed children from the competitive bidding process. The amendment changes the effective date and straightens out some language to meet the sponsor's intentions. Vote 17-0.

5161L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to competitive bidding purchases of services from nonprofit organizations by certain state agencies for severely disabled or emotionally disturbed children.

Amend section 1 of the bill by replacing it with the following:

1 New Paragraph; Purchases Exempted From Competitive Bidding. Amend RSA 186-C:22 by inserting after paragraph V the following new paragraph:

VI. The purchases of services from nonprofit organizations by the department of education, special education bureau and the department of health and human services, division of mental health and developmental services for severely disabled or



severely emotionally disturbed children shall be subject to competitive bidding requirements. Contracts for purchases made under this section shall be for terms of not more than 2 years, but may be extended for up to 2 additional years without competitive bidding, at the discretion of the bureau or the division, or at the discretion of both.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 1993.

#### AMENDED ANALYSIS

This bill subjects the purchases of services from nonprofit organizations by certain state agencies for severely disabled or severely emotionally disturbed children to the competitive bidding process. Contracts for the purchase of such services shall be limited to terms of not more than 2 years without competitive bidding, but may be extended at the discretion of the special education bureau or of the division of mental health and developmental services.

**HB 1463-FN**, to charge a 10 percent buyer's premium on state-auctioned goods, with the resulting income to be used by the division of historical resources. REFER FOR INTERIM STUDY.

Rep. Stacey W. Cole for Appropriations: This bill would have required 10 percent to be added to the bid price for goods sold at auction under the state's surplus property program. Although testimony at the hearing favored the bill, information furnished by the Supervisor of Materials Management and Surplus Property raised serious questions with respect to projected income from such sales. Vote 19-0.

**HB 1468-FN-L**, relative to special education catastrophic aid.(A) OUGHT TO PASS WITH AMENDMENT.

Rep. Neal M. Kurk for Appropriations: This bill as amended by Appropriations fine tunes the bill as it passed the House. It reduces school districts' liability for special education students by, among other things, making the state responsible for all costs in excess of 10 times the estimated average expenditure per pupil (about \$48,000 for 1992). The bill also reduces fluctuations in tax rates, especially for small school districts, by allowing districts to offset the cost of special education by the expected state reimbursement, regardless of the year in which it is expected to be received. Districts are authorized to borrow in anticipation of such reimbursement. The estimated additional cost is approximately \$245,000 which can be covered by the current appropriation for catastrophic aid. Vote 20-0.

5200L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Estimated Expenditures; Calculation of Catastrophic Aid Payments. Amend RSA 186-C:18, III to read as follows:

III.(a) [The state shall appropriate not less than \$1,000,000 for each fiscal year to assist school districts in meeting catastrophic cost increases in their special education programs.] The state board of education through the commissioner, department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3-1/2 times the **estimated** state average expenditure per pupil for the school year preceding the year of distribution. If in any year, the amount appropriated for distribution as catastrophic

special education aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant[; provided that the amount of catastrophic special education aid per pupil for a district requiring such aid shall not be more than 80 percent of catastrophic costs exceeding 3-1/2 times the state expenditure per pupil for the school year preceding the year of distribution for that district]. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed according to the equalizing formula established in paragraph II. The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally disabled children, it shall not receive catastrophic special education aid for those same educationally disabled children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

**(b) The school district shall be liable for 3-1/2 times the estimated state average expenditure per pupil, plus 20 percent of the additional cost, up to 10 times the estimated state average expenditure per pupil.**

**(c) The department of education shall be liable for 80 percent of the cost above the 3-1/2 times the estimated state average expenditure per pupil, up to 10 times the estimated state average expenditure per pupil. The department of education shall be liable for all costs in excess of 10 times the estimated state average expenditure per pupil.**

2 Liability for Costs Changed. Amend RSA 186-C:7, IV to read as follows:

IV. The department of education, bureau of special education services, shall review any individualized education plan which includes a residential placement and for which the total cost of the placement exceeds [\$20,000] **10 times the estimated state expenditure per pupil**. After review, the bureau of special education services may recommend an alternative appropriate placement to the local education agency, the superintendent, the individualized education plan placement team, and the parent.

3 New Paragraph; Costs of Catastrophic Special Education Aid. Amend RSA 186-C:18 by inserting after paragraph VII the following new paragraph:

VIII. A school district shall raise and appropriate funds reflecting the total cost in meeting catastrophic special education student costs as provided under RSA 186-C:18, including the school district and department of education liability. A school district may issue reimbursement anticipation notes as provided for in RSA 198:20-d to be redeemed upon receipt of reimbursement from the state. A school district shall be liable for the cost of borrowing such funds.

4 New Section; Anticipation Notes. Amend RSA 198:20 by inserting after section 198:20-c the following new section:

198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district may incur debt in anticipation of reimbursement under RSA 186-C:18.

5 Effective Date. This act shall take effect July 1, 1992.

## AMENDED ANALYSIS

This bill allows payments to school districts using estimated expenditures of the school districts.

The school district will be liable for 3-1/2 times the estimated state average expenditure per pupil plus 20 percent of the additional cost up to 10 times the estimated state average expenditure per pupil. The department of education will be liable for 80 percent of the cost above 3-1/2 times the estimated expenditure per pupil up to 10 times the estimated state average expenditure per pupil. The department will be responsible for all costs in excess of 10 times the estimated state average expenditure per pupil.

The current law provides payments to school districts by calculating the state average expenditure per pupil for the school year preceding the year of distribution.

The bill deletes the state minimum appropriation to districts for special education catastrophic cost increases.

This bill requires any individual education plan which includes a residential placement, and for which total education costs exceed 10 times the estimated state average expenditure per pupil, to be approved by the special education bureau of the department of education.

This bill also requires a school district to raise and appropriate funds reflecting the total cost of meeting catastrophic special education student costs and to issue reimbursement anticipation notes in anticipation of reimbursement from the state.

**HCR 27**, encouraging the governor to reduce the expenditure of funds for state employee health insurance premiums. **INEXPEDIENT TO LEGISLATE.**

Rep. Elizabeth Hager for Appropriations: This subject is being discussed in both a House bill and a Senate bill so this resolution is not needed. It also raises legal questions because of the recent PELRB ruling. Vote 20-0.

**HB 1294**, relative to a small employer health access model act. **REFER FOR INTERIM STUDY.**

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: This is a very complex bill affecting the availability and affordability of health insurance for small business. The National Association of Insurance Commissioners have not finalized its recommendations with regard to several provisions in this legislation, particularly the reinsurance provisions. There is still a pressing need for this type of coverage, and the committee would like to study this legislation further. Vote 18-0.

**HB 1319**, requiring proof of financial responsibility from persons who have had motor vehicle license revocations. **REFER FOR INTERIM STUDY**

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: The committee supports the sponsor's intent in this legislation. However, proof of financial responsibility based on demerit points is arbitrary. The subcommittee was given a list of violations and demerit points assigned for each, and our comfort level was low when considering that these can be changed by rule of the director. For that reason an active subcommittee will attempt to satisfy the sponsors' concerns. Vote 17-0.

**HB 1352**, relative to the right of a mortgagor to sell or transfer property subject to a loan agreement or note and mortgage. **INEXPEDIENT TO LEGISLATE.**

Rep. James B. Hogan for Commerce, Small Business and Consumer Affairs: Nationwide nearly 60 percent of the residential mortgages are purchased by Fannie Mae or Freddy Mac. The New Hampshire percentage may be higher than the national

figure. Fannie Mae and Freddy Mac forms are used in many more mortgages. This bill would require a "New Hampshire" addendum to the mortgages and would make the sale of New Hampshire mortgages more difficult. This is not the time to make it even more difficult to originate a home mortgage. Vote 16-0.

**HB 1380**, establishing a committee to study the effects of itinerant vendors on the retail community in New Hampshire. INEXPEDIENT TO LEGISLATE.

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: The committee believes that the solution to this problem is adequately addressed in current statute. Vote 18-0.

**HB 1409**, allowing a unit owner to pay a percentage of a lien for unpaid assessments and to obtain a release of the lien on the unit. INEXPEDIENT TO LEGISLATE.

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill allows a unit owner to pay a percentage of a lien for unpaid assessments and to obtain a release of the lien on his unit. Since condominium owners do not now file bulk liens nor are they interested in having this, the committee felt no need for this legislation. Vote 18-0.

**HB 1416**, allowing prepaid purchasers of pre-arranged funeral service or burial plan contracts to cancel or transfer the contract. INEXPEDIENT TO LEGISLATE.

Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs: The committee found that current statute provides for cancellation of pre-arranged funeral services and the transfer of same from one establishment to another. For that reason the committee does not feel this bill is necessary. Vote 15-1.

**HB 1226-FN**, to protect the department of transportation against liability in the construction and maintenance of highways and highway bridges. OUGHT TO PASS WITH AMENDMENT.

Rep. Beaton Marsh for Public Works: The purpose of House Bill 1226 is to provide DOT with the greatest protection from liability on Class I and Class II highway and bridges, consistent with the constitution. The Attorney General has given his approval of the bill as has the Judiciary Committee after recommending an amendment which has been added as per 230:8 I(d). Last year SB 151, which became Chapter 385 of the Laws of 1991, was a similar bill that gave the municipalities the same protection. Basically, House Bill 1226 will hold the DOT harmless for "Acts of God" conditions such as sleet, washouts, etc. On the other hand the bill also establishes when DOT is liable for highways and bridges that are insufficient. Insufficient means, in this chapter, a highway or bridge that is unsafe or not passable. Vote 13-0.

5251L

#### Amendment

Amend RSA 230:79, II as inserted by section 2 of the bill by replacing it with the following:

II. If the department of transportation fails to act as set forth in paragraph I, it shall be liable in damages for all personal injury or property damage proximately caused by the insufficiency identified in the notice, subject to the liability limits under RSA 541-B:14.

Amend RSA 231:80, I as inserted by section 2 of the bill by inserting after subparagraph (c) the following new subparagraph:



(d) The department of transportation shall adopt rules, under RSA 541-A, relative to procedures for written and oral notice, and for the transfer of personal knowledge regarding insufficiencies to responsible supervisory persons, to insure that information relative to such insufficiencies in the highway system quickly communicated to those empowered to make decisions about repairs and posting.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4.

3 Rule Adoption Deadline. The department shall adopt rules as required under RSA 231:80, I(d) no later than December 1, 1992, and shall submit such rules to the general court for its review no later than January 1, 1993.

**HB 1473-FN**, establishing a New Hampshire scenic and cultural byways system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Roland A. Frechette for Public Works: This bill establishes the scenic and cultural byways system to provide the opportunity for residents and visitors to travel a system of byways which feature the scenic and cultural qualities of the state within the existing highway system. The scenic and cultural byways system shall be designated by the local communities after public hearings. It is not state-mandated. Establishing this system makes the state eligible for federal grants under the new federal highway bill. This bill implements the report of the New Hampshire Scenic Byways Advisory Committee established last year by House Bill 705 for this purpose. Vote 9-3.

5231L

#### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Scenic and Cultural Byways System. Amend RSA 238 by inserting after section 18 the following new subdivision:

#### **Scenic and Cultural Byways System**

238:19 Purpose.

I. The scenic and cultural byways system is established to provide the opportunity for residents and visitors to travel a system of byways which feature the scenic and cultural qualities of the state within the existing highway system, promote retention of rural and urban scenic byways, support the cultural, recreational and historic attributes along these byways and expose the unique elements of the state's beauty, culture and history.

II. It is the intent of the general court that the scenic and cultural assets of the byways will be respected, that the rights of individual property owners shall be preserved, and that nothing in this subdivision shall be interpreted to preempt any land and zoning authority granted to municipalities under title LXIV.

III. It shall be the local identification of scenic and cultural byways that shall build a state-wide system. However, nothing in this subdivision shall restrict a municipality from designating scenic byways within its jurisdiction, require that such designated scenic byways be nominated for inclusion in the New Hampshire scenic and cultural byways system, or require that the scenic and cultural byways council accept such locally designated scenic byway into the system.

238:20 Establishment of Scenic and Cultural Byways Council.

I. The scenic and cultural byways council shall consist of the following 10 members:

(a) Six members appointed by the governor and council including one person representing regional planning, one person representing municipalities, one person

representing tourist and recreation interests, one person representing forests and lands, one person representing the utilities, and one person representing the highway construction industry.

(b) The commissioner of the department of transportation, or designee.

(c) The commissioner of the department of resources and economic development, or designee.

(d) The director of the office of state planning, or designee.

(e) The director of the division of historic resources, or designee.

II. The terms of the members appointed by the governor shall be for 3 years, except that he shall appoint the initial members for terms of one, 2 and 3 years.

III. The council shall choose its chairman annually from among its members. The chair shall serve for no more than 2 consecutive one-year terms.

IV. Except as provided in this section, no state employee or member of any state commission, federal employee, or member of any federal commission shall be eligible for membership on the council.

238:21 Duties. The council shall:

I. Encourage towns and municipalities to designate scenic and cultural byways within their jurisdictions and to petition the council for the inclusion of these byways into the New Hampshire scenic and cultural byways system. Such inclusion shall enable the municipality to participate in federal funding that may be available under section 1047, Scenic Byways Program, of the Intermodal Surface Transportation Efficiency Act of 1991.

II. Develop the process for byways nomination and nomination criteria. Advise and consult with municipalities regarding the process of recommending municipal roads for inclusion in the scenic and cultural byways system.

III. Encourage and assist in fostering public awareness, understanding, and participation in the objectives and functions of the scenic and cultural byways system.

IV. Provide municipalities with tools and ideas for enhancement and protection of the scenic and cultural byways.

V. Review the byway system and report biennially to the governor and the general court upon the effectiveness of this subdivision and make recommendations. The reports shall indicate the status of all state and town designations and include a fiscal accounting of all moneys received and expended.

VI. De-designate a scenic and cultural byway at the request of the municipality or if its character changes in such a way that it no longer meets the criteria under which it was designated.

238:22 Designation.

I. The council shall designate and de-designate scenic and cultural byways of the New Hampshire scenic and cultural byways system based on criteria which include, but shall not be limited to, the following:

(a) Possesses significant visible natural or cultural features along its border such as agricultural lands, farms, significant architectural attributes, historic sites, town and city centers, museums, cottage industries, panoramic views, vistas of marshes, shorelines or forests, or notable geological or other natural features.

(b) Accessible to natural and cultural features such as cultural facilities, historic sites, town and city centers, trails, lakes, rivers, streams, mountains, the sea-coast, bike paths, agricultural land, parks, or protected lands that are open to the public, etc.

(c) Conforms to and does not detract from the landscape.

(d) Meets safety standards for the particular traffic encouraged.

(e) Is free from intensive commercial development and obstructive signage that would detract from the principal reason for its designation.

II. Designation of a state or local road or highway as a scenic and cultural byway under the provisions of this subdivision, and any general or special management criteria applicable thereto, shall not affect the operation, maintenance and expansion of existing public utility lines and facilities, or be construed to require any public utility to install any of its lines or facilities underground.

III. Under no circumstances shall a scenic and cultural byway be designated without a public hearing in the area.

IV. Nominations shall demonstrate local, private and public support, include a plan for improvements suitable for solving any traffic or other problems that may accrue to the designation as a scenic byway and propose a method to ensure the preservation and maintenance of the qualities of the scenic and cultural byway on which the nomination is based.

#### 238:23 Funds.

I. The director of the office of state planning, with the advice of the commissioner of the department of transportation and the commissioner of the department of resources and economic development, is authorized to apply for and accept gifts, grants, donations and contributions from any source, public or private, in the name of the state and to provide for technical and administrative support consistent with the resources provided to the program under this section. Any moneys accepted shall be continually and solely appropriated for the purpose of this subdivision.

II. Any funds obtained under former RSA 238:18 and not expended shall be transferred for use under this section.

2 Public Utility Emergency; Scenic Road. Amend RSA 231:158, II to read as follows:

II. Upon a road being designated as a scenic road as provided in RSA 231:157, any repair, maintenance, reconstruction, or paving work done with respect thereto by the state or municipality, or any action taken by any utility or other person acting to erect, install or maintain poles, conduits, cables, wires, pipes or other structures pursuant to RSA 231:159-189 shall not involve the cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, or any other official municipal body designated by the meeting to implement the provisions of this subdivision, after a public hearing duly advertised as to time, date, place and purpose, 2 times in a newspaper of general circulation in the area, the last publication to occur at least 7 days prior to such hearing, provided however that a road agent[, ] or his designee[, or a public utility] may, without such hearing, but only with the written permission of the selectmen, remove trees or portions of trees which have been declared a public nuisance pursuant to RSA 231:145 and 231:146, when such trees or portions of such trees pose an imminent threat to safety or property, [or when such removal] and **provided, further, that a public utility when involved in the emergency restoration of service, may without such hearing or permission of the selectmen, perform such work as is necessary for the prompt restoration of utility service which has been interrupted by facility damage [due to storms or other outside forces,] and shall thereafter, when requested, promptly inform the selectmen of the nature of the emergency and the work performed, in such manner as the selectman may require.**

3 Repeal. RSA 238:13 - 18, relative to the New Hampshire scenic byways planning program, are hereby repealed.

4 Effective Date. This act shall take effect 60 days after its passage.

**HB 1244**, relative to the use of pressure treated wood in public water. INEXPEDIENT TO LEGISLATE.

Rep. Steven R. Maviglio for Resources, Recreation and Development: The Department of Environmental Services will send out a DES fact sheet advising against the use of pressure treated wood to anyone applying for a dock permit, thus making this bill unnecessary at this time. Vote 12-1.

**HB 1314**, extending the deadline date for the commissioner of environmental services to report on certain water laws. OUGHT TO PASS WITH AMENDMENT.

Rep. Howard C. Dickinson for Resources, Recreation and Development: House Bill 1314, as amended, accomplishes the following: (1) a legislative study committee is established to ascertain the validity of the water resources council as a public corporation and to determine its role and place in state government; (2) certain statutory changes are made to reflect the council's present role until the study is completed and legislation passed; (3) the nine-year old upper limit of \$20,000 for "minor dam repair" projects of the water resources division is increased to \$50,000, thereby more accurately reflecting present costs; (4) DES is granted authority to extend the time limit which requires municipalities to develop and implement plans for treatment techniques for public water systems supplied by surface waters. Previously municipalities were allowed only 18 months to comply with a filtration schedule prescribed by the Water Supply and Pollution Control Division. Vote 14-0.

5233L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a committee to study the need for a public corporation to finance and operate environmental projects for the benefit of the state and making changes in certain water laws.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds as follows:

I. The 1986 legislation which established the department of environmental services created statutory anomalies by retaining the public corporation status of the water resources council, while at the same time shifting the statutory powers of the public corporation to the division of water resources.

II. Since the department of environmental services was formed in 1987, there have been calls to rectify these statutory anomalies by the water resources council, the attorney general, the joint legislative committee to recodify the water laws of the state, and the legislative budget assistant.

III. There is a need to determine whether or not it is in the best interest of the state to retain a public corporation, similar to the former water resources board, which can finance and operate water or environmental projects by dedicating revenues to such purposes which shall be held and accounted for separately from other government revenues and expenditures.



2 Committee Established. A committee to study the advisability of retaining a public corporation to finance and operate water or environmental projects is established and shall include the following members:

I. Two members of the house resources, recreation and development committee, appointed by the speaker of the house.

II. Two members of the house executive departments and administration committee, appointed by the speaker of the house.

III. One member of the house economic development committee, appointed by the speaker of the house.

IV. One member of the house appropriations committee, appointed by the speaker of the house.

V. Two members of the senate environment committee, appointed by the president of the senate.

VI. One member of the senate executive departments committee, appointed by the president of the senate.

VII. One member of the senate finance committee, appointed by the president of the senate.

VIII. One member of the senate economic development committee, appointed by the president of the senate.

### 3 Committee Duties; Report.

I. The committee shall consider the report entitled "Legal Conflicts Concerning the N.H. Water Resources Council: A Report Required by Chapter 184, Laws of 1991", dated September 30, 1991, and the letter from the water resources council to the house resources, recreation and development committee dated January 21, 1992, as well as any other pertinent material, as working documents to assist in its study.

II. The committee shall submit a report, including proposed legislation necessary to implement its recommendations, to the governor, the speaker of the house and the senate president not later than November 30, 1992. The report shall include findings and recommendations concerning the following:

(a) The need for the continued existence of a public corporation with the authority to finance and operate water or environmental projects by exercising the following powers:

(1) Issuing revenue bonds, which will not be obligations of the state.

(2) Using earnings from such projects to fund maintenance and operation costs of the projects.

(3) Exercising the power of eminent domain as necessary.

(b) The organizational structure which is most appropriate for such a public corporation, including its placement within the executive branch.

(c) The appropriateness of the distribution of responsibility for state-owned dams reflected in RSA 482:48.

III. The committee may request assistance from any state agency including, but not limited to, the department of justice, the department of environmental services, the legislative budget assistant, the water resources council, and the treasurer's office.

### 4 Meetings; Mileage.

I. The first-named house member of the committee shall call the first meeting not later than 30 days after the effective date of this act. The committee shall elect its own chairman and vice chairman at the first meeting. Thereafter the committee shall meet as often as necessary to complete its report.

II. Members of the committee shall be entitled to legislative mileage while engaged in committee business.

5 Change from Division to Council. Amend RSA 481:6-a to read as follows:

481:6-a Bylaws; Records; Personnel. The [division] **water resources council** shall adopt and may from time to time amend bylaws governing its procedures. The [division] **water resources council** shall adopt a corporate seal, and shall cause records of its procedures to be kept by a secretary to be appointed by the [division] **water resources council**. The division shall appoint agents, engineers, and employees as it deems proper and fix their compensation, subject to the rules adopted by the state director of personnel.

6 New Section; Disposition of Corporate Assets. Amend RSA 481 by inserting after section 33 the following new section:

481:34 Assets to Pass to State. In the event that the corporation established pursuant to RSA 481:4 shall be dissolved, all of its assets remaining after all of its obligations and liabilities have been satisfied or discharged shall pass to and become the property of the state.

7 Definition of Minor Project; Costs Increased. Amend RSA 482:54, IV to read as follows:

IV. "Minor project" shall mean maintenance work performed on a periodic basis with costs not exceeding [\$20,000] **\$50,000**.

8 Time Limit Removed. Amend RSA 485:3, V to read as follows:

V. The division may adopt rules specifying the criteria under which filtration, including coagulation and sedimentation, as appropriate, is required as a treatment technique for public water systems supplied by surface water sources. In developing such rules the division shall consider the quality of source waters, protection afforded by watershed management, treatment practices such as disinfection and length of water storage and other factors relevant to protection of health. The division may require any public water supply system to assist in determining the necessity of filtration in that system. The division shall provide an opportunity for notice and public hearing prior to implementation of any filtration requirement. Following such hearing, the division shall prescribe, by rule adopted pursuant to RSA 541-A, a compliance schedule for such filtration requirement. [A public water supply system shall comply with a filtration schedule prescribed by the division not later than 18 months after the division has made a determination of necessity under this paragraph.]

9 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to study the need for a public corporation to finance and operate environmental projects for the benefit of the state.

This bill also makes technical changes in certain water laws.

The Chair requested a quorum count and declared a quorum present.

#### SPECIAL ORDERS

**HB 591**, reapportioning the state house of representatives districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Natalie S. Flanagan and Garret P. Cowenhoven for Constitutional and Statutory Revision: Proposed plans for redistricting New Hampshire House of Representatives districts were presented at public hearings conducted by the House Redistricting Committee in all ten counties of the State. One Republican and one Democrat member of the House Redistricting Committee from each county were asked to attempt to

reach consensus on a county redistricting plan working within guidelines adopted by the Committee. Following public input, agreement was reached in six counties and the bill was amended by the House Redistricting Committee. The recommendations of the Redistricting Committee were forwarded to the Committee on Constitutional and Statutory Revision which also held a public hearing on the bill and then adopted a further amendment. The full amendment, which is a replacement for existing law, is printed in the calendar. Vote 11-3.

5176L

### Amendment

Amend the bill by replacing section 1 with the following:

1 House of Representative Districts. RSA 662:5 is repealed and reenacted to read as follows:

662:5 State Representative Districts. The state is divided into districts for the choosing of state representatives, each of which may elect the number of representatives set forth opposite the district, as follows:

#### I. Belknap County.

District No. 1	Center Harbor	
	Meredith	2
District No. 2	New Hampton	
	Sanbornton	
	Tilton	2
District No. 3	Belmont	2
District No. 4	Gilford	2
District No. 5	Alton	
	Barnstead	
	Gilmanton	3
District No. 6	Alton	
	Barnstead	
	Belmont	
	Gilford	
	Gilmanton	
	New Hampton	
	Sanbornton	
	Tilton	1
District No. 7	Laconia	6

#### II. Carroll County.

District No. 1	Bartlett	
	Chatham	
	Hart's Location	
	Jackson	1
District No. 2	Conway	
	Hale's Location	2
District No. 3	Bartlett	
	Chatham	
	Conway	
	Hale's Location	
	Hart's Location	
	Jackson	1

District No. 4	Albany	
	Eaton	
	Madison	1
District No. 5	Effingham	
	Freedom	
	Ossipee	2
District No. 6	Wakefield	1
District No. 7	Wolfeboro	1
District No. 8	Brookfield	
	Wakefield	
	Wolfeboro	1
District No. 9	Moultonborough	1
District No. 10	Sandwich	
	Tamworth	
	Tuftsboro	1
District No. 11	Moultonborough	
	Sandwich	
	Tamworth	
	Tuftsboro	1
III. Cheshire County.		
District No. 1	Walpole	1
District No. 2	Alstead	
	Gilsum	
	Marlow	
	Surrey	
	Walpole	
	Westmoreland	2
District No. 3	Chesterfield	1
District No. 4	Hinsdale	1
District No. 5	Winchester	1
District No. 6	Chesterfield	
	Hinsdale	
	Winchester	1
District No. 7	Harrisville	
	Nelson	
	Stoddard	
	Sullivan	1
District No. 8	Dublin	
	Marlborough	
	Roxbury	
	Troy	2
District No. 9	Jaffrey	2
District No. 10	Rindge	1
District No. 11	Swanzy	2
District No. 12	Fitzwilliam	
	Richmond	1



District No. 13	Fitzwilliam Richmond Rindge Swanzy	1
District No. 14	Keene	8
IV. Coos County.		
District No. 1	Atkinson and Gilmanton Academy Grant Clarksville Colebrook Columbia Dix's Grant Dixville Pittsburg Second College Grant Stewartstown	2
District No. 2	Cambridge Dummer Errol Erving's Location Millsfield Northumberland Odell Stratford Wentworth's Location	1
District No. 3	Kilkenny Lancaster Stark	1
District No. 4	Cambridge Dummer Errol Erving's Location Kilkenny Lancaster Millsfield Northumberland Odell Stark Stratford Wentworth's Location	1
District No. 5	Dalton Whitefield	1
District No. 6	Bean's Grant Bean's Purchase Carroll Chandler's Purchase Crawford's Purchase Cutt's Grant Gorham	

	Green's Grant	
	Hadley's Purchase	
	Jefferson	
	Low and Burbank's Grant	
	Martin's Location	
	Pinkham's Grant	
	Randolph	
	Sargent's Purchase	
	Shelburne	
	Success	
	Thompson and Meserve's Purchase	2
District No. 7	Berlin	
	Milan	5
V. Grafton County.		
District No. 1	Bethlehem	
	Littleton	
	Monroe	3
District No. 2	Bath	
	Lisbon	
	Lyman	1
District No. 3	Benton	
	Franconia	
	Landaff	
	Sugar Hill	
	Warren	1
District No. 4	Easton	
	Ellsworth	
	Lincoln	
	Livermore	
	Woodstock	1
District No. 5	Haverhill	
	Orford	
	Piermont	2
District No. 6	Campton	
	Holderness	
	Thornton	
	Waterville	2
District No. 7	Plymouth	2
District No. 8	Ashland	
	Bridgewater	
	Bristol	
	Hebron	2
District No. 9	Dorchester	
	Groton	
	Rumney	
	Wentworth	1
District No. 10	Hanover	
	Lyme	4

District No. 11	Alexandria	
	Canaan	
	Grafton	
	Orange	2
District No. 12	Enfield	1
District No. 13	Enfield	
	Lebanon	1
District No. 14	Lebanon	4
VI. Hillsborough County.		
District No. 1	Antrim	
	Deering	
	Windsor	1
District No. 2	Hillsborough	1
District No. 3	Antrim	
	Deering	
	Hillsborough	
	Windsor	1
District No. 4	Francestown	
	New Boston	1
District No. 5	Weare	2
District No. 6	Francestown	
	New Boston	
	Weare	1
District No. 7	Goffstown	5
District No. 8	Peterborough	
	Sharon	2
District No. 9	Bennington	
	Hancock	1
District No. 10	Greenfield	
	Lyndeborough	
	Mont Vernon	1
District No. 11	Wilton	1
District No. 12	Bennington	
	Greenfield	
	Hancock	
	Lyndeborough	
	Mont Vernon	
	Wilton	1
District No. 13	Milford	4
District No. 14	Amherst	3
District No. 15	Bedford	4
District No. 16	Amherst	
	Bedford	1
District No. 17	Litchfield	2
District No. 18	Merrimack	8
District No. 19	New Ipswich	
	Temple	1

District No. 20	Brookline	
	Greenville	
	Mason	2
District No. 21	Brookline	
	Greenville	
	Mason	
	New Ipswich	
	Temple	1
District No. 22	Hollis	2
District No. 23	Hudson	6
District No. 24	Pelham	3
District No. 25	Hudson	
	Pelham	1
District No. 26	Nashua	29
District No. 27	Manchester	36

## VII. Merrimack County.

District No. 1	Andover	
	Danbury	
	Hill	
	Salisbury	
	Wilmot	2
District No. 2	Newbury	
	New London	
	Sutton	
	Warner	3
District No. 3	Bradford	
	Henniker	2
District No. 4	Boscawen	1
District No. 5	Bow	1
District No. 6	Hopkinton	1
District No. 7	Boscawen	
	Bow	
	Dunbarton	
	Hopkinton	
	Webster	3
District No. 8	Northfield	1
District No. 9	Canterbury	
	Loudon	
	Northfield	
	Pittsfield	4
District No. 10	Chichester	
	Epsom	2
District No. 11	Hooksett	3
District No. 12	Allenstown	
	Pembroke	4
District No. 13	Franklin	3
District No. 14	Concord	13



## VIII. Rockingham County.

District No. 1	Northwood	1
District No. 2	Nottingham	1
District No. 3	Epping	1
District No. 4	Epping	
	Northwood	
	Nottingham	1
District No. 5	Auburn	1
District No. 6	Candia	1
District No. 7	Deerfield	1
District No. 8	Auburn	
	Candia	
	Deerfield	1
District No. 9	Danville	
	Sandown	2
District No. 10	Chester	
	Fremont	1
District No. 11	Chester	
	Danville	
	Fremont	
	Sandown	1
District No. 12	Raymond	3
District No. 13	Derry	11
District No. 14	Atkinson	1
District No. 15	Hampstead	2
District No. 16	Plaistow	2
District No. 17	Atkinson	
	Hampstead	
	Plaistow	2
District No. 18	Brentwood	
	Kingston	
	Newton	4
District No. 19	Newfields	
	Newmarket	3
District No. 20	Exeter	
	Kensington	5
District No. 21	East Kingston	
	Seabrook	
	South Hampton	3
District No. 22	Hampton	
	Hampton Falls	5
District No. 23	Greenland	1
District No. 24	New Castle	
	Rye	2
District No. 25	North Hampton	
	Stratham	3
District No. 26	Salem	9
District No. 27	Windham	3

District No. 28	Salem	
	Windham	1
District No. 29	Londonderry	7
District No. 30	Newington	
	Portsmouth	9

## IX. Strafford County.

District No. 1	Middleton	
	New Durham	1
District No. 2	Milton	1
District No. 3	Farmington	2
District No. 4	Strafford	1
District No. 5	Farmington	
	Middleton	
	Milton	
	New Durham	
	Strafford	1
District No. 6	Barrington	2
District No. 7	Lee	
	Madbury	1
District No. 8	Durham	4
District No. 9	Barrington	
	Durham	
	Lee	
	Madbury	1
District No. 10	Rollinsford	1
District Nos. 11, 12	Dover	9
District No. 13	Somersworth	4
District Nos. 14, 15	Rochester	10

## X. Sullivan County.

District No. 1	Cornish	
	Plainfield	1
District No. 2	Grantham	
	Springfield	
	Sunapee	1
District No. 3	Cornish	
	Grantham	
	Plainfield	
	Springfield	
	Sunapee	1
District No. 4	Croydon	
	Newport	
	Unity	3
District No. 5	Acworth	
	Goshen	
	Lempster	
	Washington	1
District No. 6	Charlestown	
	Langdon	1

District No. 7	Acworth	
	Charlestown	
	Goshen	
	Langdon	
	Lempster	
	Washington	1
District No. 8	Claremont	5

Amend the bill by replacing section 3 with the following:

3 Application. The changes in representative district lines established by this act shall not affect constituencies or terms of office of representatives presently in office. The representative districts established by this act shall be in effect for the purpose of electing representatives to the general court at the 1992 state general election. If there shall be a vacancy in a representative district for any reason prior to the 1992 state general election, the vacancy shall be filled by and from the same representative district that existed for the 1990 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for the annual session in January, 1992.

4 Effective Date. This act shall take effect upon its passage.

Adopted.

Rep. Cowenhoven spoke in favor of the Committee report.

Rep. Robinson spoke in favor and yielded to questions.

Rep. Maviglio offered a floor amendment.

5292L

### Floor Amendment

Amend RSA 662:5, I as inserted by section 1 of the bill by replacing it with the following:

#### I. Belknap County.

District No. 1	Center Harbor	
	New Hampton	1
District No. 2	Belmont	2
District No. 3	Gilford	
	Meredith	4
District No. 4	Alton	
	Barnstead	
	Gilmanton	3
District No. 5	Sanbornton	
	Tilton	2
District No. 6	Laconia	6

Rep. Maviglio spoke in favor

Reps. Robinson and Vogler spoke against and yielded to questions.

Reps. Rice and Hawkins spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 86**

Joscelyn, William W.

Bradley, Jeb E.  
Wiggin, Gordon E.Burnham, Daniel M.  
Hogan, James B.  
Riley, William A.Buckley, C. Fitzgerald  
Mayhew, JosephineBrown, Patricia B.  
Guest, Robert H.  
Nordgren, Sharon L.  
Ward, Kathleen W.Asselin, Robert P.  
Chasse, Richard D.  
Daigle, Robert A.  
Gage, Ruth E.  
Hall, Betty B.  
L'Heureux, Robert J.  
Packard, Bonnie B.  
Turgeon, Roland M.Braiterman, Thea  
Letourneau, George E.  
Nichols, Avis B.Bell, Juanita L.  
Conroy, Janet M.  
Kane, Cecelia D.  
Terninko, Margaret B.Gilmore, Gary R.  
Knowles, William V.  
O'Brien, John  
Wall, Janet G.

Allison, David C.

Maviglio, Steven R.

**CARROLL**

Daly, Robert J., Jr.

**CHESHIRE**Clark, Eugene W.  
LaMar, David M.**COOS**Hawkinson, Marie C.  
Nelson, Harold D.**GRAFTON**Chambers, Mary P.  
McIlwaine, Deborah P.  
Scanlan, David M.**HILLSBOROUGH**Baldizar, Barbara J.  
Cote, David E.  
Desrochers, Gerard T.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Lown, Elizabeth D.  
Paquette, Rodolphe G.  
White, John M.**MERRIMACK**Daneault, Gabriel J.  
Millard, Elizabeth S.  
Trombly, Rick A.**ROCKINGHAM**Caswell, Albert, Jr.  
Dowling, Patricia A.  
MacDonald, Joseph A.  
Welch, David A.**STRAFFORD**Hambrick, Patricia A.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Wheeler, Katherine W.**SULLIVAN**

Burling, Peter Hoc

**NAYS 202**

Jean, Robert R.

Doucette, Richard F.  
Mohr, Frederick C., Jr.Kilbride, Dennis J.  
Oliver, Terry D.Copenhaver, Marion L.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.Buckley, Raymond  
Crotty, Edward J.  
Drolet, Paul L.  
Green, Scott E.  
Janas, Gregory  
Nardi, Theodora P.  
Soucy, Donna M.Johnson, Joyce M.  
Molner, Mary E.  
Yeaton, Charles B.Clark, Martha Fuller  
Hynes, Carolyn E.  
McGovern, Cynthia A.Jankowski, Peter M.  
Merrill, Amanda A.  
Vincent, Francis C.

Walsh, Robert R.



### NAYS 202 BELKNAP

Accornero, Harry	Bartlett, Gordon E.	Cain, Thomas G.
Campbell, Richard H., Jr.	Hawkins, Robert S.	Holbrook, Robert G.
Johnson, Carl R.	Rice, Thomas E. P., Jr.	Rosen, Ralph J.
Turner, Robert H.	Vogler, Charles C.	Zaharchuk, Peter J., Jr.
Ziegra, Alice S.		

### CARROLL

Saunders, Howard N.	Wiggin, Allen R.
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### CHESHIRE

Cole, Stacey W.	Crutchley, Donald O.	Feuer, Joseph N.
Grodin, Richard A.	Hunt, John B.	Kennison, Wayne A.
Kingsbury, H. Thayer	Laurent, John J.	Metzger, Katherine H.
Pearson, Gertrude B.	Perry, David M.	Pratt, Irene A.
Sawyer, Alfred P.	Young, David A.	

### COOS

Brungot, Catherine V.	Coulombe, Henry W.	Guay, Lawrence J.
Horton, Lynn C.	Marsh, Beaton	Merrill, Gerald P.
Pratt, Leighton C.	Therault, Romeo J.	

### GRAFTON

Adams, Carl S.	Bean, Pamela B.	Brown, Channing T.
Christy, C. Dana	Driscoll, William J.	Hill, Richard L.
LaMott, Paul I.	Larson, Nils H., Jr.	Lougee, Richard W.
Shackett, Ralph E.	Trelfa, Richard T.	White, Paul R.

### HILLSBOROUGH

Ahrens, Frederick G.	Alukonis, David J.	Amidon, Eleanor H.
Andrews, Frederick B.	Arnold, Barbara E.	Baroody, Benjamin C.
Bourque, Ann J.	Bowers, Dorothy C.	Calawa, Leon, Jr.
Carpenter, Karen A.	Cook, Valerie S.	Cowenhoven, Garret P.
Daniels, Gary L.	Desrosiers, William J.	Dodge, Emma M.
Domaingue, Jacquelyn M.	Donovan, Francis X.	Drabinowicz, A. Theresa
Durham, Susan B.	Emerton, Lawrence A.	Ferguson, Charles
Ferlan, Arthur P.	Fields, Dennis H.	Ford, Nancy M.
Gagnon, Eugene L.	Goulet, Maurice E.	Greenglass, Alan B.
Healy, Walter F.	Holden, Carol H.	Hultgren, David D.
Jasper, Shawn N.	Jean, Romeo W.	Keane, Cornelius J.
Kelley, Robert N.	King, Frank P.	Lachut, Ervin R.
Larochelle, Roger B.	Laughlin, J. Francis	Lawrence, Eva M.
Lawrence, Norman B.	Lozeau, Donnalee M.	Mason, Howard F.
McCann, Bonnie Lou	McDowell, James E.	McNerney, Daniel P.
McRae, Karen K.	Mercer, Robert S.	Messier, Irene M.
Moore, Elizabeth A.	Murphy, Robert E.	Ouellette, Robert O.
Peters, Stanley W.	Record, Alice B.	Rheault, Lillian I.
Riley, Frances L.	Robinson, Ellen-Ann	Rothhaus, Finlay C.
Sallada, Roland A.	Searles, Stanley N., Sr.	Steiner, Lee Anne

Stiles, Walter A.  
 Upton, Barbara A.  
 Wright, George W.

Tarpley-Bamberger, Nancy L. Tate, Joan C.  
 Vanderlosk, Stanley R. Wheeler, David K.

### MERRIMACK

Apple, Lowell D.  
 Carter, Susan D.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Lockwood, Robert A.  
 Teague, Bert

Barberia, Richard A.  
 Chandler, Earle W.  
 Feuerstein, Martin  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, C. William  
 Smith, Gerald R.

Boucher, Laurent J.  
 Chandler, John P.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Kidder, William F.  
 Stio, Peter M.

### ROCKINGHAM

Barnes, John S., Jr.  
 Coffey, John J.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Hoelzel, Kathleen M.  
 Katsakiores, Phyllis  
 Magoon, Harold F.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Woods, Deborah L.

Brown, Jeffrey M.  
 Connell, David R.  
 Drake, Herbert R.  
 Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Hurst, Sharleene P.  
 Klemarczyk, Thaddeus E.  
 McCain, William F.  
 Melnick, Roy E.  
 Rosencrantz, James R.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Warburton, Calvin

Campbell, Marilyn R.  
 Cooke, Annette M.  
 Felch, Charles H., Sr.  
 Ford, Bert H.  
 Hoar, John, Jr.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Rubin, George R.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Weyler, Kenneth L.

### STRAFFORD

Bickford, Drucilla  
 Flynn, Edward J.  
 Keans, Sandra B.  
 Nehring, William H.  
 Sullivan, Henry P.

Corte, Arthur B.  
 Foss, Patricia H.  
 Martling, W. Kent  
 Parks, Joe B.  
 Torr, Ralph W.

Douglass, Clyde J.  
 Frechette, Roland A.  
 Musler, George T.  
 Pelley, Janet R.  
 Young, John B.

### SULLIVAN

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Porter, Robert H.

Flint, Gordon B.  
 Middleton, John A.  
 Rodeschin, Beverly T.

Krueger, Richard H.  
 Peyron, Fredrik  
 Schotanus, Merle W.

and the floor amendment failed.

Rep. Cowenhoven offered a floor amendment.

5277L

### Floor Amendment

Amend RSA 662:5, II District No. 10 and District No. 11 as inserted by section 1 of the bill by replacing them with the following:

District No. 10	Moultonborough	
	Sandwich	
	Tamworth	
	Tuftonboro	2

Reps. Cowenhoven and Gene Chandler spoke in favor.  
Adopted.

Rep. Mayhew offered a floor amendment

5280L

### Floor Amendment

Amend RSA 662:5, IV as inserted by section 1 of the bill by replacing it with the following:

#### IV. Coos County.

District No. 1	Atkinson and Gilmanton Academy Grant	
	Clarksville	
	Colebrook	
	Columbia	
	Dix's Grant	
	Dixville	
	Erving's Location	
	Millsfield	
	Pittsburg	
	Second College Grant	
	Stewartstown	
	Wentworth's Location	2
District No. 2	Northumberland	
	Odell	
	Stark	
	Stratford	1
District No. 3	Kilkenny	
	Lancaster	1
District No. 4	Carroll	
	Dalton	
	Whitefield	1
District No. 5	Carroll	
	Dalton	
	Kilkenny	
	Lancaster	
	Northumberland	
	Odell	
	Stark	
	Stratford	
	Whitefield	1
District No. 6	Bean's Grant	
	Bean's Purchase	
	Cambridge	
	Chandler's Purchase	
	Crawford's Purchase	
	Cutt's Grant	

	Errol	
	Gorham	
	Green's Grant	
	Hadley's Purchase	
	Jefferson	
	Low and Burbank's Grant	
	Martin's Location	
	Pinkham's Grant	
	Randolph	
	Sargent's Purchase	
	Shelburne	
	Success	
	Thompson and Meserve's Purchase	2
District No. 7	Berlin	
	Dummer	
	Milan	5

Rep. Mayhew spoke in favor and yielded to questions.

Rep. Robinson spoke against and yielded to questions.

Rep. Guay spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

#### YEAS 96

#### NAYS 205

#### YEAS 96 BELKNAP

Bartlett, Gordon E. Maviglio, Steven R.

#### CARROLL

Daly, Robert J., Jr. Wiggan, Gordon E.

#### CHESHIRE

Burnham, Daniel M.	Clark, Eugene W.	Doucette, Richard F.
Foster, Katherine D.	Kingsbury, H. Thayer	LaMar, David M.
Pratt, Irene A.	Riley, William A.	

#### COOS

Buckley, C. Fitzgerald	Coulombe, Henry W.	Hawkinson, Marie C.
Kilbride, Dennis J.	Mayhew, Josephine	Nelson, Harold D.
Oliver, Terry D.		

#### GRAFTON

Arnesen, Deborah L.	Brown, Patricia B.	Chambers, Mary P.
Copenhaver, Marion L.	Guest, Robert H.	McIlwaine, Deborah P.
Nordgren, Sharon L.		

#### HILLSBOROUGH

Asselin, Robert P.	Baldizar, Barbara J.	Baroody, Benjamin C.
Bourque, Ann J.	Buckley, Raymond	Chasse, Richard D.
Cote, David E.	Desrochers, Gerard T.	Drabinowicz, A. Theresa
Drolet, Paul L.	Elliott, Larry G.	Emerton, Lawrence A.
Gage, Ruth E.	Gosselin, Gerald O.	Green, Scott E.
Hall, Betty B.	Hanselman, Gregory L.	Healy, Walter F.



Janas, Gregory  
King, Frank P.  
Murphy, Robert E.  
Paquette, Rodolphe G.

Jean, Romeo W.  
Laroche, Roger B.  
Nardi, Theodora P.  
Soucy, Donna M.

Keane, Cornelius J.  
Laughlin, J. Francis  
Packard, Bonnie B.  
White, John M.

### **MERRIMACK**

Braiterman, Thea  
Johnson, Joyce M.  
Molner, Mary E.  
Yeaton, Charles B.

Daneault, Gabriel J.  
Letourneau, George E.  
Soldati, Jennifer G.

Feuerstein, Martin  
Millard, Elizabeth S.  
Trombly, Rick A.

### **ROCKINGHAM**

Bell, Juanita L.  
Dowling, Patricia A.  
MacDonald, Joseph A.  
Schanda, Joseph, Sr.  
Vaughn, Charles L.

Caswell, Albert, Jr.  
Ford, Bert H.  
Magoon, Harold F.  
Syracusa, Anthony

Clark, Martha Fuller  
Kane, Cecelia D.  
McGovern, Cynthia A.  
Terninko, Margaret B.

### **STRAFFORD**

Gilmore, Gary R.  
Knowles, William V.  
O'Brien, John  
Vincent, Francis C.  
Young, John B.

Hambrick, Patricia A.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Wall, Janet G.

Jankowski, Peter M.  
Merrill, Amanda A.  
Pelley, Janet R.  
Wheeler, Katherine W.

### **SULLIVAN**

Allison, David C.  
Walsh, Robert R.

Burling, Peter Hoe

Lindblade, Eric N.

### **NAYS 205 BELKNAP**

Accornero, Harry  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Rosen, Ralph J.  
Ziegra, Alice S.

Hawkins, Robert S.  
Joscelyn, William W.  
Turner, Robert H.

### **CARROLL**

Allard, Nanci A.  
Dickinson, Howard C.  
Wiggin, Allen R.

Bradley, Jeb E.  
Jean, Robert R.

Chandler, Gene G.  
Saunders, Howard N.

### **CHESHIRE**

Cole, Stacey W.  
Grodin, Richard A.  
Kennison, Wayne A.  
Mohr, Frederick C., Jr.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Pearson, Gertrude B.  
Young, David A.

Feuer, Joseph N.  
Hunt, John B.  
Metzger, Katherine H.  
Perry, David M.

### **COOS**

Brungot, Catherine V.  
Marsh, Beaton  
Theriault, Romeo J.

Guay, Lawrence J.  
Merrill, Gerald P.

Horton, Lynn C.  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Christy, C. Dana  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
White, Paul R.

Bean, Pamela B.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Trelfa, Richard T.

Brown, Channing T.  
Hill, Richard L.  
Lougee, Richard W.  
Shackett, Ralph E.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Ferguson, Charles  
Gagnon, Eugene L.  
Healy, Daniel J.  
Jasper, Shawn N.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Record, Alice B.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Steiner, Lee Anne  
Tate, Joan C.  
Vanderlosk, Stanley R.  
Wright, George W.

Alukonis, David J.  
Arnold, Barbara E.  
Carpenter, Karen A.  
Crotty, Edward J.  
Desrosiers, William J.  
Donovan, Francis X.  
Ferlan, Arthur P.  
Goulet, Maurice E.  
Holden, Carol H.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Ouellette, Robert O.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Turgeon, Roland M.  
Wheeler, David K.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Daigle, Robert A.  
Dodge, Emma M.  
Durham, Susan B.  
Fields, Dennis H.  
Greenglass, Alan B.  
Hultgren, David D.  
Kurk, Neal M.  
Lawrence, Eva M.  
Lozeau, DonnaLee M.  
McDowell, James E.  
Messier, Irene M.  
Peters, Stanley W.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Tarpley-Bamberger, Nancy L.  
Upton, Barbara A.  
Wheeler, Robert L.

**MERRIMACK**

Apple, Lowell D.  
Carter, Susan D.  
Fair, Patricia A.  
Hager, Elizabeth S.  
Hill, Michael J.  
Kidder, William F.  
Nichols, Avis B.  
Teague, Bert

Barberia, Richard A.  
Chandler, Earle W.  
Fillion, Paul R.  
Hall, Douglas E.  
Jacobson, Alf E.  
Lewis, Mary Ann  
Smith, Gerald R.

Boucher, Laurent J.  
Chandler, John P.  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, C. William  
Lockwood, Robert A.  
Stio, Peter M.

**ROCKINGHAM**

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Conroy, Janet M.  
Felch, Charles H., Sr.  
Gage, Beverly A.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.

Boucher, William P.  
Coffey, John J.  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Greene, Elizabeth A.  
Hynes, Carolyn E.  
Katsakiores, Phyllis  
Lovejoy, Virginia K.

Brown, Jeffrey M.  
Connell, David R.  
Drake, Herbert R.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
McCain, William F.

McCarthy, John J., Jr.  
Packard, Sherman A.  
Rubin, George R.  
Sytek, Donna P.  
Tufts, Arthur  
Weyler, Kenneth L.

McKinney, Betsy  
Raynowska, Bernard J.  
Skinner, Patricia M.  
Sytek, John J.  
Warburton, Calvin  
Woods, Deborah L.

Melnick, Roy E.  
Rosencrantz, James R.  
Smith, Arthur W.  
Thayer, Leroy C.  
Welch, David A.

### STRAFFORD

Bickford, Drucilla  
Flynn, Edward J.  
Keans, Sandra B.  
Nehring, William H.  
Torr, Ralph W.

Corte, Arthur B.  
Foss, Patricia H.  
Martling, W. Kent  
Parks, Joe B.  
Tsiros, William

Douglass, Clyde J.  
Frechette, Roland A.  
Musler, George T.  
Sullivan, Henry P.

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Porter, Robert H.

Domini, Irene C.  
Middleton, John A.  
Rodeschin, Beverly T.

Flint, Gordon B.  
Peyron, Fredrik  
Schotanus, Merle W.

and the floor amendment failed.

Rep. McNerney notified the Clerk that he wished to be recorded in opposition to the motion.

Rep. Scanlan offered a floor amendment

5297L

### Floor Amendment

Amend RSA 662:5, V as inserted by section 1 of the bill by replacing it with the following:

V. Grafton County.

District No. 1	Littleton	2
District No. 2	Lisbon	
	Lyman	
	Monroe	1
District No. 3	Bethlehem	
	Landaff	
	Sugar Hill	1
District No. 4	Benton	
	Easton	
	Franconia	
	Lincoln	
	Livermore	
	Waterville Valley	1
District No. 5	Bath	
	Haverhill	
	Piermont	2
District No. 6	Rumney	
	Warren	
	Wentworth	1
District No. 7	Ashland	
	Campton	
	Ellsworth	
	Holderness	

	Thornton	
	Woodstock	3
District No. 8	Plymouth	2
District No. 9	Alexandria	
	Bridgewater	
	Bristol	
	Groton	
	Hebron	2
District No. 10	Dorchester	
	Lyme	
	Orford	1
District No. 11	Canaan	
	Enfield	
	Grafton	
	Orange	3
District No. 12	Hanover	3
District No. 13	Lebanon	4
District No. 14	Hanover	
	Lebanon	1

Reps. Teschner and Dana Christy spoke in favor.

Reps. Cowenhoven and Channing Brown spoke against.

Rep. Nordgren spoke against and yielded to questions.

Rep. Scanlan spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

#### YEAS 97

#### NAYS 216

#### YEAS 97

#### BELKNAP

Accornero, Harry  
Turner, Robert H.  
Ziegara, Alice S.

Campbell, Richard H., Jr.  
Vogler, Charles C.

Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

#### CARROLL

Allard, Nanci A.  
Dickinson, Howard C.

Bradley, Jeb E.  
Jean, Robert R.

Daly, Robert J., Jr.  
Wiggin, Gordon E.

#### CHESHIRE

Cole, Stacey W.  
LaMar, David M.  
Pearson, Gertrude B.

Hogan, James B.  
Laurent, John J.

Hunt, John B.  
Metzger, Katherine H.

#### COOS

Pratt, Leighton C.

#### GRAFTON

Arnesen, Deborah L.  
Driscoll, William J.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.

Brown, Patricia B.  
Hill, Richard L.  
Scanlan, David M.  
Ward, Kathleen W.

Christy, C. Dana  
Larson, Nils H., Jr.  
Shackett, Ralph E.



**HILLSBOROUGH**

Alukonis, David J.	Andrews, Frederick B.	Calawa, Leon, Jr.
Carpenter, Karen A.	Daniels, Gary L.	Domaingue, Jacquelyn M.
Donovan, Francis X.	Drolet, Paul L.	Durham, Susan B.
Dyer, Merton S.	Elliott, Larry G.	Goulet, Maurice E.
Hanselman, Gregory L.	Jasper, Shawn N.	Keane, Cornelius J.
Lachut, Ervin R.	Lawrence, Norman B.	Messier, Irene M.
Packard, Bonnie B.	Riley, Frances L.	Rodgers, G. Philip
Searles, Stanley N., Sr.	Tarpley-Bamberger, Nancy L.	Wheeler, David K.
Wright, George W.		

**MERRIMACK**

Chandler, John P.	Daneault, Gabriel J.	Fair, Patricia A.
Fillion, Paul R.	Hayes, Robert C.	Millard, Elizabeth S.
Nichols, Avis B.	Teague, Bert	

**ROCKINGHAM**

Barnes, John S., Jr.	Brown, Jeffrey M.	Caswell, Albert, Jr.
Coffey, John J.	Connell, David R.	Cooke, Annette M.
Dowd, Sandra K.	Dowling, Patricia A.	Drake, Herbert R.
Felch, Charles H., Sr.	Ford, Bert H.	Greene, Elizabeth A.
Hoar, John, Jr.	McCarthy, John J., Jr.	Packard, Sherman A.
Rubin, George R.	Tufts, Arthur	Vaughn, Charles L.
Warburton, Calvin	Welch, David A.	Weyler, Kenneth L.

**STRAFFORD**

Douglass, Clyde J.	Foss, Patricia H.	Hambrick, Patricia A.
Musler, George T.	Tsiros, William	

**SULLIVAN**

Domini, Irene C.	Flint, Gordon B.	Harland, Jane A.
Krueger, Richard H.	Porter, Robert H.	Schotanus, Merle W.

**NAYS 216****BELKNAP**

Bartlett, Gordon E.	Cain, Thomas G.	Hawkins, Robert S.
Holbrook, Robert G.	Johnson, Carl R.	Joscelyn, William W.
Maviglio, Steven R.	Rice, Thomas E. P., Jr.	Rosen, Ralph J.

**CARROLL**

Chandler, Gene G.	Saunders, Howard N.	Wiggin, Allen R.
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**CHESHIRE**

Burnham, Daniel M.	Clark, Eugene W.	Crutchley, Donald O.
Doucette, Richard F.	Feuer, Joseph N.	Foster, Katherine D.
Grodin, Richard A.	Kennison, Wayne A.	Kingsbury, H. Thayer
Lynch, Margaret A.	Mohr, Frederick C., Jr.	Perry, David M.
Pratt, Irene A.	Riley, William A.	Sawyer, Alfred P.
Young, David A.		

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Theriault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Chambers, Mary P.  
LaMott, Paul I.  
Nordgren, Sharon L.

Bean, Pamela B.  
Copenhaver, Marion L.  
Lougee, Richard W.  
Trelfa, Richard T.

Brown, Channing T.  
Guest, Robert H.  
McIlwaine, Deborah P.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Asselin, Robert P.  
Bowers, Dorothy C.  
Cote, David E.  
Daigle, Robert A.  
Dodge, Emma M.  
Ferguson, Charles  
Ford, Nancy M.  
Gosselin, Gerald O.  
Hall, Betty B.  
Holden, Carol H.  
Jean, Romeo W.  
Kurk, Neal M.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
McDowell, James E.  
Mercer, Robert S.  
Nardi, Theodora P.  
Peters, Stanley W.  
Rheault, Lillian I.  
Sallada, Roland A.  
Steiner, Lee Anne  
Turgeon, Roland M.  
Wheeler, Robert L.

Amidon, Eleanor H.  
Baroody, Benjamin C.  
Buckley, Raymond  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Ferlan, Arthur P.  
Gage, Ruth E.  
Green, Scott E.  
Healy, Daniel J.  
Hultgren, David D.  
Kelley, Robert N.  
L'Heureux, Robert J.  
Lawrence, Eva M.  
Mason, Howard F.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Ouellette, Robert O.  
Record, Alice B.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Stiles, Walter A.  
Upton, Barbara A.  
White, John M.

Arnold, Barbara E.  
Bourque, Ann J.  
Chasse, Richard D.  
Crotty, Edward J.  
Desrosiers, William J.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Healy, Walter F.  
Janas, Gregory  
King, Frank P.  
Larochelle, Roger B.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
McRae, Karen K.  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Soucy, Donna M.  
Tate, Joan C.  
Vanderlosk, Stanley R.

**MERRIMACK**

Apple, Lowell D.  
Braiterman, Thea  
Dunn, Miriam D.  
Hager, Elizabeth S.  
Jacobson, Alf E.  
Kidder, William F.  
Lockwood, Robert A.  
Soldati, Jennifer G.  
Weeks, John F., Jr.

Barberia, Richard A.  
Carter, Susan D.  
Feuerstein, Martin  
Hall, Douglas E.  
Johnson, C. William  
Letourneau, George E.  
Molner, Mary E.  
Stio, Peter M.  
Yeaton, Charles B.

Boucher, Laurent J.  
Chandler, Earle W.  
Gross, Caroline L.  
Hill, Michael J.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Smith, Gerald R.  
Trombly, Rick A.

**ROCKINGHAM**

Bell, Juanita L.	Benton, Richardson D.	Boucher, William P.
Campbell, Marilyn R.	Christie, Andrew, Jr.	Clark, Martha Fuller
Conroy, Janet M.	Flanagan, Natalie S.	Flanders, John W., Sr.
Gage, Beverly A.	Hoelzel, Kathleen M.	Hurst, Sharleene P.
Hynes, Carolyn E.	Johnson, Robert A.	Kane, Cecelia D.
Katsakiores, George N.	Katsakiores, Phyllis	Klemarczyk, Thaddeus E.
Klemm, Arthur P., Jr.	Lovejoy, Virginia K.	MacDonald, Joseph A.
Magoon, Harold F.	McCain, William F.	McGovern, Cynthia A.
McKinney, Betsy	Melnick, Roy E.	Raynowska, Bernard J.
Rosencrantz, James R.	Schanda, Joseph, Sr.	Skinner, Patricia M.
Smith, Arthur W.	Syracusa, Anthony	Sytek, Donna P.
Sytek, John J.	Terninko, Margaret B.	Thayer, Leroy C.
Woods, Deborah L.		

**STRAFFORD**

Bickford, Drucilla	Brown, Julie M.	Corte, Arthur B.
Flynn, Edward J.	Frechette, Roland A.	Gilmore, Gary R.
Jankowski, Peter M.	Keans, Sandra B.	Knowles, William V.
Martling, W. Kent	McCann, William H., Jr.	Merrill, Amanda A.
Nehring, William H.	O'Brien, John	Parks, Joe B.
Pelley, Janet R.	Sullivan, Henry P.	Torr, Ralph W.
Vincent, Francis C.	Wall, Janet G.	Wheeler, Katherine W.
Young, John B.		

**SULLIVAN**

Allison, David C.	Behrens, Thomas A.	Burling, Peter Hoe
Lindblade, Eric N.	Middleton, John A.	Peyron, Fredrik
Rodeschin, Beverly T.	Walsh, Robert R.	

and the floor amendment failed.

Rep. McGovern offered a floor amendment

5263L

**Floor Amendment**

Amend RSA 662:5, VIII as inserted by section 1 of the bill by replacing it with the following:

**VIII. Rockingham County.**

District No. 1	Northwood	1
District No. 2	Nottingham	1
District No. 3	Epping	1
District No. 4	Epping	
	Northwood	
	Nottingham	1
District No. 5	Auburn	1
District No. 6	Candia	1
District No. 7	Deerfield	1
District No. 8	Auburn	
	Candia	
	Deerfield	1
District No. 9	Danville	
	Sandown	2

District No. 10	Chester	
	Fremont	1
District No. 11	Chester	
	Danville	
	Fremont	
	Sandown	1
District No. 12	Raymond	3
District No. 13	Derry	11
District No. 14	Atkinson	1
District No. 15	Hampstead	2
District No. 16	Plaistow	2
District No. 17	Atkinson	
	Hampstead	
	Plaistow	2
District No. 18	Brentwood	
	Kingston	
	Newton	4
District No. 19	Newfields	
	Newmarket	3
District No. 20	Exeter	
	Kensington	5
District No. 21	East Kingston	
	Seabrook	
	South Hampton	3
District No. 22	Hampton	
	Hampton Falls	5
District No. 23	Greenland	1
District No. 24	New Castle	
	Rye	2
District No. 25	North Hampton	
	Stratham	3
District No. 26	Salem	9
District No. 27	Windham	3
District No. 28	Londonderry	7
District No. 29	Newington	
	Portsmouth	10

Rep. McGovern spoke in favor and yielded to questions.

Reps. Donna Sytek and Cowenhoven spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 106**

**NAYS 194**

**YEAS 106**

**BELKNAP**

Maviglio, Steven R.

**CARROLL**

Jean, Robert R.

Wiggin, Gordon E.



**CHESHIRE**

Burnham, Daniel M.  
Kingsbury, H. Thayer  
Pratt, Irene A.

Clark, Eugene W.  
LaMar, David M.  
Riley, William A.

Foster, Katherine D.  
Lynch, Margaret A.

**COOS**

Hawkinson, Marie C.  
Nelson, Harold D.

Kilbride, Dennis J.  
Oliver, Terry D.

Mayhew, Josephine  
Theriault, Romeo J.

**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Nordgren, Sharon L.

Brown, Patricia B.  
Guest, Robert H.

Chambers, Mary P.  
McIlwaine, Deborah P.

**HILLSBOROUGH**

Asselin, Robert P.  
Buckley, Raymond  
Cote, David E.  
Drolet, Paul L.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Keane, Cornelius J.  
Laughlin, J. Francis  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Turgeon, Roland M.

Baldizar, Barbara J.  
Chasse, Richard D.  
Crotty, Edward J.  
Emerton, Lawrence A.  
Green, Scott E.  
Healy, Walter F.  
King, Frank P.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Reidy, Frank J.  
White, John M.

Baroody, Benjamin C.  
Clemons, Jane A.  
Drabinowicz, A. Theresa  
Gage, Ruth E.  
Hall, Betty B.  
Janas, Gregory  
Larochelle, Roger B.  
McDowell, James E.  
Packard, Bonnie B.  
Soucy, Donna M.

**MERRIMACK**

Braiterman, Thea  
Jacobson, Alf E.  
Millard, Elizabeth S.  
Trombly, Rick A.

Daneault, Gabriel J.  
Johnson, Joyce M.  
Molner, Mary E.  
Yeaton, Charles B.

Dunn, Miriam D.  
Letourneau, George E.  
Soldati, Jennifer G.

**ROCKINGHAM**

Bell, Juanita L.  
Caswell, Albert, Jr.  
Hynes, Carolyn E.  
McCain, William F.  
Schanda, Joseph, Sr.  
Vaughn, Charles L.

Boucher, William P.  
Clark, Martha Fuller  
Kane, Cecelia D.  
McGovern, Cynthia A.  
Syracusa, Anthony  
Welch, David A.

Brown, Jeffrey M.  
Hoar, John, Jr.  
MacDonald, Joseph A.  
Rosencrantz, James R.  
Terninko, Margaret B.  
Woods, Deborah L.

**STRAFFORD**

Flynn, Edward J.  
Hashem, Elaine M.  
Knowles, William V.  
O'Brien, John  
Sullivan, Henry P.  
Wheeler, Katherine W.

Gilmore, Gary R.  
Jankowski, Peter M.  
McCann, William H., Jr.  
Pelley, Janet R.  
Vincent, Francis C.

Hambrick, Patricia A.  
Keans, Sandra B.  
Merrill, Amanda A.  
Spencer, Leo J.  
Wall, Janet G.

**SULLIVAN**

Allison, David C.  
Lindblade, Eric N.

Burling, Peter Hoe  
Walsh, Robert R.

Harland, Jane A.

### NAYS 194 BELKNAP

Cain, Thomas G.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Shibley, Arnold P.  
Ziegra, Alice S.

Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.

Bradley, Jeb E.  
Dickinson, Howard C.

Chandler, Gene G.  
Wiggin, Allen R.

### CHESHIRE

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.  
Pearson, Gertrude B.  
Young, David A.

Crutchley, Donald O.  
Hogan, James B.  
Metzger, Katherine H.  
Perry, David M.

Feuer, Joseph N.  
Hunt, John B.  
Mohr, Frederick C., Jr.  
Sawyer, Alfred P.

### COOS

Brungot, Catherine V.  
Horton, Lynn C.

Coulombe, Henry W.  
Marsh, Beaton

Guay, Lawrence J.  
Merrill, Gerald P.

### GRAFTON

Adams, Carl S.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Trelfa, Richard T.

Bean, Pamela B.  
Hill, Richard L.  
Lougee, Richard W.  
Shackett, Ralph E.  
White, Paul R.

Christy, C. Dana  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.

### HILLSBOROUGH

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Dyer, Merton S.  
Fields, Dennis H.  
Greenglass, Alan B.  
Hultgren, David D.  
Kelley, Robert N.  
Lachut, Ervin R.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Upton, Barbara A.  
Wheeler, Robert L.

Alukonis, David J.  
Arnold, Barbara E.  
Carpenter, Karen A.  
Daigle, Robert A.  
Desrosiers, William J.  
Donovan, Francis X.  
Ferguson, Charles  
Ford, Nancy M.  
Healy, Daniel J.  
Jasper, Shawn N.  
Kurk, Neal M.  
Lawrence, Eva M.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Peters, Stanley W.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.  
Wright, George W.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Daniels, Gary L.  
Dodge, Emma M.  
Durham, Susan B.  
Ferlan, Arthur P.  
Goulet, Maurice E.  
Holden, Carol H.  
Jean, Romeo W.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
McNerney, Daniel P.  
Messier, Irene M.  
Record, Alice B.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Steiner, Lee Anne  
Tate, Joan C.  
Wheeler, David K.

**MERRIMACK**

Apple, Lowell D.	Barberia, Richard A.	Boucher, Laurent J.
Carter, Susan D.	Chandler, Earle W.	Chandler, John P.
Fair, Patricia A.	Feuerstein, Martin	Fillion, Paul R.
Gross, Caroline L.	Hager, Elizabeth S.	Hall, Douglas E.
Hayes, Robert C.	Hill, Michael J.	Johnson, C. William
Kidder, William F.	Lewis, Mary Ann	Lockwood, Robert A.
Nichols, Avis B.	Smith, Gerald R.	Stio, Peter M.
Teague, Bert	Weeks, John F., Jr.	

**ROCKINGHAM**

Barnes, John S., Jr.	Benton, Richardson D.	Campbell, Marilyn R.
Connell, David R.	Conroy, Janet M.	Cooke, Annette M.
Dowd, Sandra K.	Dowling, Patricia A.	Drake, Herbert R.
Felch, Charles H., Sr.	Flanagan, Natalie S.	Flanders, John W., Sr.
Ford, Bert H.	Gage, Beverly A.	Greene, Elizabeth A.
Hoelzel, Kathleen M.	Hurst, Sharleene P.	Johnson, Robert A.
Katsakiores, George N.	Katsakiores, Phyllis	Klemarczyk, Thaddeus E.
Klemm, Arthur P., Jr.	Lovejoy, Virginia K.	Magoon, Harold F.
McCarthy, John J., Jr.	McKinney, Betsy	Melnick, Roy E.
Packard, Sherman A.	Raynowska, Bernard J.	Rubin, George R.
Skinner, Patricia M.	Smith, Arthur W.	Sytek, Donna P.
Sytek, John J.	Thayer, Leroy C.	Tufts, Arthur
Warburton, Calvin	Weyler, Kenneth L.	

**STRAFFORD**

Bickford, Drucilla	Brown, Julie M.	Corte, Arthur B.
Douglass, Clyde J.	Foss, Patricia H.	Frechette, Roland A.
Martling, W. Kent	Musler, George T.	Nehring, William H.
Parks, Joe B.	Torr, Ralph W.	Tsiros, William
Young, John B.		

**SULLIVAN**

Domini, Irene C.	Flint, Gordon B.	Krueger, Richard H.
Middleton, John A.	Peyron, Fredrik	Porter, Robert H.
Rodeschin, Beverly T.	Schotanus, Merle W.	

and the floor amendment failed.

Rep. Felch offered a floor amendment.

5285L

**Floor Amendment**

Amend RSA 662:5, VIII as inserted by section 1 of the bill by replacing it with the following:

**VIII. Rockingham County.**

District No. 1	Northwood	1
District No. 2	Nottingham	1
District No. 3	Epping	1
District No. 4	Epping	
	Northwood	
	Nottingham	1
District No. 5	Auburn	1

District No. 6	Candia	1
District No. 7	Deerfield	1
District No. 8	Auburn	
	Candia	
District No. 9	Deerfield	1
	Danville	
	Sandown	2
District No. 10	Chester	
	Fremont	1
District No. 11	Chester	
	Danville	
	Fremont	
	Sandown	1
District No. 12	Raymond	3
District No. 13	Derry	11
District No. 14	Atkinson	1
District No. 15	Hampstead	2
District No. 16	Plaistow	2
District No. 17	Atkinson	
	Hampstead	
	Plaistow	2
District No. 18	Brentwood	
	Kingston	
	Newton	4
District No. 19	Newfields	
	Newmarket	3
District No. 20	Exeter	
	Kensington	5
District No. 21	Seabrook	2
District No. 22	East Kingston	
	Seabrook	
	South Hampton	1
District No. 23	Hampton	
	Hampton Falls	5
District No. 24	Greenland	1
District No. 25	New Castle	
	Rye	2
District No. 26	North Hampton	
	Stratham	3
District No. 27	Salem	9
District No. 28	Windham	3
District No. 29	Salem	
	Windham	1
District No. 30	Londonderry	7
District No. 31	Newington	
	Portsmouth	9

Rep. Felch spoke in favor.

Rep. Robinson spoke against and yielded to questions.

Roll call request sufficiently seconded.



The question being the adoption of the floor amendment.

**YEAS 109****NAYS 192****YEAS 109  
BELKNAP**

Maviglio, Steven R.

Turner, Robert H.

**CARROLL**

Jean, Robert R.

**CHESHIRE**

Burnham, Daniel M.  
Kingsbury, H. Thayer  
Mohr, Frederick C., Jr.

Clark, Eugene W.  
LaMar, David M.  
Pratt, Irene A.

Foster, Katherine D.  
Lynch, Margaret A.

**COOS**

Hawkinson, Marie C.  
Nelson, Harold D.

Kilbride, Dennis J.  
Pratt, Leighton C.

Mayhew, Josephine  
Theriault, Romeo J.

**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Nordgren, Sharon L.  
Ward, Kathleen W.

Brown, Patricia B.  
Guest, Robert H.  
Scanlan, David M.

Chambers, Mary P.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

**HILLSBOROUGH**

Asselin, Robert P.  
Buckley, Raymond  
Crotty, Edward J.  
Drabinowicz, A. Theresa  
Gage, Ruth E.  
Healy, Daniel J.  
King, Frank P.  
Laughlin, J. Francis  
McDowell, James E.  
Paquette, Rodolphe G.  
Turgeon, Roland M.

Baldizar, Barbara J.  
Clemons, Jane A.  
Daniels, Gary L.  
Durham, Susan B.  
Gosselin, Gerald O.  
Janas, Gregory  
Lachut, Ervin R.  
Lawrence, Norman B.  
Murphy, Robert E.  
Reidy, Frank J.  
Wheeler, David K.

Baroody, Benjamin C.  
Cote, David E.  
Donovan, Francis X.  
Dyer, Merton S.  
Hanselman, Gregory L.  
Keane, Cornelius J.  
Larochelle, Roger B.  
Martin, Mary Ellen  
Nardi, Theodora P.  
Soucy, Donna M.  
White, John M.

**MERRIMACK**

Braiterman, Thea  
Dunn, Miriam D.  
Molner, Mary E.  
Trombly, Rick A.

Chandler, John P.  
Letourneau, George E.  
Nichols, Avis B.  
Wallner, Mary Jane

Daneault, Gabriel J.  
Millard, Elizabeth S.  
Soldati, Jennifer G.

**ROCKINGHAM**

Bell, Juanita L.  
Caswell, Albert, Jr.  
Ford, Bert H.  
McKinney, Betsy  
Schanda, Joseph, Sr.  
Vaughn, Charles L.  
Weyler, Kenneth L.

Benton, Richardson D.  
Clark, Martha Fuller  
Kane, Cecelia D.  
Rosencrantz, James R.  
Syracusa, Anthony  
Warburton, Calvin

Brown, Jeffrey M.  
Felch, Charles H., Sr.  
McGovern, Cynthia A.  
Rubin, George R.  
Terninko, Margaret B.  
Welch, David A.

**STRAFFORD**

Flynn, Edward J.  
 Hashem, Elaine M.  
 McCann, William H., Jr.  
 Pelley, Janet R.  
 Vincent, Francis C.

Gilmore, Gary R.  
 Jankowski, Peter M.  
 Merrill, Amanda A.  
 Spencer, Leo J.  
 Wall, Janet G.

Hambrick, Patricia A.  
 Knowles, William V.  
 O'Brien, John  
 Sullivan, Henry P.  
 Young, John B.

**SULLIVAN**

Allison, David C.  
 Walsh, Robert R.

Burling, Peter Hoe

Lindblade, Eric N.

**NAYS 192  
BELKNAP**

Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Rice, Thomas E. P., Jr.  
 Vogler, Charles C.

Cain, Thomas G.  
 Holbrook, Robert G.  
 Rosen, Ralph J.  
 Ziegra, Alice S.

Campbell, Richard H., Jr.  
 Johnson, Carl R.  
 Shibley, Arnold P.

**CARROLL**

Allard, Nanci A.  
 Daly, Robert J., Jr.  
 Wiggin, Allen R.

Bradley, Jeb E.  
 Dickinson, Howard C.  
 Wiggin, Gordon E.

Chandler, Gene G.  
 Saunders, Howard N.

**CHESHIRE**

Cole, Stacey W.  
 Grodin, Richard A.  
 Laurent, John J.  
 Perry, David M.  
 Young, David A.

Crutchley, Donald O.  
 Hogan, James B.  
 Metzger, Katherine H.  
 Riley, William A.

Feuer, Joseph N.  
 Hunt, John B.  
 Pearson, Gertrude B.  
 Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
 Horton, Lynn C.  
 Oliver, Terry D.

Coulombe, Henry W.  
 Marsh, Beaton

Guay, Lawrence J.  
 Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
 Christy, C. Dana  
 Larson, Nils H., Jr.  
 Nielsen, Niels F., Jr.  
 White, Paul R.

Bean, Pamela B.  
 Driscoll, William J.  
 Lougee, Richard W.  
 Shackett, Ralph E.

Brown, Channing T.  
 LaMott, Paul I.  
 Markley, J. Keith  
 Trelfa, Richard T.

**HILLSBOROUGH**

Ahrens, Frederick G.  
 Andrews, Frederick B.  
 Calawa, Leon, Jr.  
 Cook, Valerie S.  
 Desrochers, Gerard T.  
 Domaingue, Jacquelyn M.  
 Emerton, Lawrence A.  
 Fields, Dennis H.  
 Green, Scott E.  
 Healy, Walter F.

Alukonis, David J.  
 Arnold, Barbara E.  
 Carpenter, Karen A.  
 Cowenhoven, Garret P.  
 Desrosiers, William J.  
 Drolet, Paul L.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Greenglass, Alan B.  
 Holden, Carol H.

Amidon, Eleanor H.  
 Bowers, Dorothy C.  
 Chasse, Richard D.  
 Daigle, Robert A.  
 Dodge, Emma M.  
 Elliott, Larry G.  
 Ferlan, Arthur P.  
 Goulet, Maurice E.  
 Hall, Betty B.  
 Hultgren, David D.

Jasper, Shawn N.  
 L'Heureux, Robert J.  
 Mason, Howard F.  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Sallada, Roland A.  
 Steiner, Lee Anne  
 Tate, Joan C.  
 Wheeler, Robert L.

Jean, Romeo W.  
 Lawrence, Eva M.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Packard, Bonnie B.  
 Rheault, Lillian I.  
 Rodgers, G. Philip  
 Searles, Stanley N., Sr.  
 Stiles, Walter A.  
 Upton, Barbara A.  
 Wright, George W.

Kelley, Robert N.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Peters, Stanley W.  
 Riley, Frances L.  
 Rothhaus, Finlay C.  
 Smith, Leonard A.  
 Tarpley-Bamberger, Nancy L.  
 Vanderlosk, Stanley R.

### MERRIMACK

Apple, Lowell D.  
 Chandler, Earle W.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Jacobson, Alf E.  
 Lewis, Mary Ann  
 Stio, Peter M.  
 Yeaton, Charles B.

Boucher, Laurent J.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Teague, Bert

Carter, Susan D.  
 Feuerstein, Martin  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Kidder, William F.  
 Smith, Gerald R.  
 Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
 Connell, David R.  
 Dowd, Sandra K.  
 Flanders, John W., Sr.  
 Hoar, John, Jr.  
 Hynes, Carolyn E.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Sytek, Donna P.  
 Woods, Deborah L.

Boucher, William P.  
 Conroy, Janet M.  
 Dowling, Patricia A.  
 Gage, Beverly A.  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 Melnick, Roy E.  
 Skinner, Patricia M.  
 Sytek, John J.

Campbell, Marilyn R.  
 Cooke, Annette M.  
 Flanagan, Natalie S.  
 Greene, Elizabeth A.  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 Packard, Sherman A.  
 Smith, Arthur W.  
 Tufts, Arthur

### STRAFFORD

Bickford, Drucilla  
 Douglass, Clyde J.  
 Keans, Sandra B.  
 Nehring, William H.  
 Tsiros, William

Brown, Julie M.  
 Foss, Patricia H.  
 Martling, W. Kent  
 Parks, Joe B.  
 Wheeler, Katherine W.

Corte, Arthur B.  
 Frechette, Roland A.  
 Musler, George T.  
 Torr, Ralph W.

### SULLIVAN

Domini, Irene C.  
 Middleton, John A.  
 Rodeschin, Beverly T.  
 and the floor amendment failed.

Flint, Gordon B.  
 Peyron, Fredrik  
 Schotanus, Merle W.

Krueger, Richard H.  
 Porter, Robert H.

Rep. Hashem offered a floor amendment

4559L

**Floor Amendment**

Amend RSA 662:5, IX as inserted by section 1 of the bill by replacing it with the following:

**IX. Strafford County.**

District No. 1	New Durham	
	Middleton	1
District No. 2	Milton	1
District No. 3	Farmington	2
District No. 4	Strafford	1
District No. 5	New Durham	
	Middleton	
	Milton	
	Farmington	
	Strafford	1
District No. 6	Barrington	2
District No. 7	Durham	
	Lee	
	Madbury	6
District No. 8	Rollinsford	1
District No. 9	Somersworth	4
District Nos. 10, 11	Dover	9
District No. 12	Barrington	
	Rochester	1
District Nos. 13, 14	Rochester	9

Reps. Hashem and Katherine Wheeler spoke in favor.

Reps. William McCann and Gross spoke against.

Rep. Spencer spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 117****NAYS 192**

**YEAS 117**  
**BELKNAP**

Maviglio, Steven R.

**CARROLL**

Jean, Robert R.

**CHESHIRE**

Burnham, Daniel M.  
Foster, Katherine D.  
Metzger, Katherine H.  
Riley, William A.

Clark, Eugene W.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.

Doucette, Richard F.  
LaMar, David M.  
Pratt, Irene A.

**COOS**

Coulombe, Henry W.  
Nelson, Harold D.

Hawkinson, Marie C.  
Oliver, Terry D.

Mayhew, Josephine  
Theriault, Romeo J.



**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Nordgren, Sharon L.

Brown, Patricia B.  
Guest, Robert H.  
Teschner, Douglass P.

Chambers, Mary P.  
McIlwaine, Deborah P.

**HILLSBOROUGH**

Ackerman, Philip M.  
Asselin, Robert P.  
Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Drolet, Paul L.  
Gosselin, Gerald O.  
Healy, Walter F.  
King, Frank P.  
Laughlin, J. Francis  
McDowell, James E.  
Nardi, Theodora P.  
Reidy, Frank J.  
White, John M.

Amidon, Eleanor H.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Cote, David E.  
Desrochers, Gerard T.  
Elliott, Larry G.  
Green, Scott E.  
Janas, Gregory  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Mercer, Robert S.  
Packard, Bonnie B.  
Soucy, Donna M.  
Wright, George W.

Andrews, Frederick B.  
Bourque, Ann J.  
Clemons, Jane A.  
Crotty, Edward J.  
Drabinowicz, A. Theresa  
Gage, Ruth E.  
Hanselman, Gregory L.  
Johnson, Lionel W.  
Larochelle, Roger B.  
Martin, Mary Ellen  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Turgeon, Roland M.

**MERRIMACK**

Apple, Lowell D.  
Dunn, Miriam D.  
Letourneau, George E.  
Soldati, Jennifer G.  
Weeks, John F., Jr.

Braiterman, Thea  
Hall, Douglas E.  
Millard, Elizabeth S.  
Trombly, Rick A.  
Yeaton, Charles B.

Daneault, Gabriel J.  
Jacobson, Alf E.  
Molner, Mary E.  
Wallner, Mary Jane

**ROCKINGHAM**

Bell, Juanita L.  
Clark, Martha Fuller  
Felch, Charles H., Sr.  
MacDonald, Joseph A.  
Rosencrantz, James R.  
Terninko, Margaret B.  
Woods, Deborah L.

Brown, Jeffrey M.  
Conroy, Janet M.  
Hoar, John, Jr.  
Magoon, Harold F.  
Schanda, Joseph, Sr.  
Tufts, Arthur

Caswell, Albert, Jr.  
Cooke, Annette M.  
Kane, Cecelia D.  
McGovern, Cynthia A.  
Syracusa, Anthony  
Vaughn, Charles L.

**STRAFFORD**

Gilmore, Gary R.  
Jankowski, Peter M.  
Merrill, Amanda A.  
Vincent, Francis C.

Hambrick, Patricia A.  
Knowles, William V.  
Pageotte, Donald P.  
Wall, Janet G.

Hashem, Elaine M.  
McCann, William H., Jr.  
Spencer, Leo J.  
Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
Harland, Jane A.

Burling, Peter Hoe  
Walsh, Robert R.

Flint, Gordon B.

**NAYS 192****BELKNAP**

Bartlett, Gordon E.  
Holbrook, Robert G.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Rosen, Ralph J.  
Vogler, Charles C.

Hawkins, Robert S.  
Joscelyn, William W.  
Shibley, Arnold P.  
Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.  
Daly, Robert J., Jr.  
Wiggin, Allen R.

Bradley, Jeb E.  
Dickinson, Howard C.  
Wiggin, Gordon E.

Chandler, Gene G.  
Saunders, Howard N.

**CHESHIRE**

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hogan, James B.  
Mohr, Frederick C., Jr.  
Young, David A.

Feuer, Joseph N.  
Hunt, John B.  
Perry, David M.

**COOS**

Brungot, Catherine V.  
Kilbride, Dennis J.  
Pratt, Leighton C.

Guay, Lawrence J.  
Marsh, Beaton

Horton, Lynn C.  
Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Christy, C. Dana  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.

Bean, Pamela B.  
Driscoll, William J.  
Lougee, Richard W.  
Scanlan, David M.  
White, Paul R.

Brown, Channing T.  
LaMott, Paul I.  
Markley, J. Keith  
Shackett, Ralph E.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Baldizar, Barbara J.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Durham, Susan B.  
Ferguson, Charles  
Ford, Nancy M.  
Hall, Betty B.  
Jasper, Shawn N.  
Kelley, Robert N.  
Lawrence, Eva M.  
Mason, Howard F.  
McRae, Karen K.  
Peters, Stanley W.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.

Alukonis, David J.  
Bowers, Dorothy C.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Dyer, Merton S.  
Ferland, Arthur P.  
Goulet, Maurice E.  
Holden, Carol H.  
Jean, Romeo W.  
Kurk, Neal M.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Messier, Irene M.  
Record, Alice B.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Steiner, Lee Anne  
Tate, Joan C.  
Wheeler, David K.

Arnold, Barbara E.  
Calawa, Leon, Jr.  
Desrosiers, William J.  
Donovan, Francis X.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Greenglass, Alan B.  
Hultgren, David D.  
Keane, Cornelius J.  
Lachut, Ervin R.  
Lozeau, Donnalee M.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Upton, Barbara A.  
Wheeler, Robert L.

**MERRIMACK**

Barberia, Richard A.  
Chandler, Earle W.  
Feuerstein, Martin  
Hager, Elizabeth S.  
Johnson, C. William  
Lockwood, Robert A.  
Stio, Peter M.

Boucher, Laurent J.  
Chandler, John P.  
Fillion, Paul R.  
Hayes, Robert C.  
Kidder, William F.  
Nichols, Avis B.  
Teague, Bert

Carter, Susan D.  
Fair, Patricia A.  
Gross, Caroline L.  
Hill, Michael J.  
Lewis, Mary Ann  
Smith, Gerald R.

**ROCKINGHAM**

Barnes, John S., Jr.	Benton, Richardson D.	Boucher, William P.
Buco, Stephen W.	Campbell, Marilyn R.	Coffey, John J.
Connell, David R.	Dowd, Sandra K.	Dowling, Patricia A.
Flanagan, Natalie S.	Flanders, John W., Sr.	Ford, Bert H.
Greene, Elizabeth A.	Hoelzel, Kathleen M.	Hurst, Sharleene P.
Hynes, Carolyn E.	Johnson, Robert A.	Katsakiores, George N.
Katsakiores, Phyllis	Klemarczyk, Thaddeus E.	Klemm, Arthur P., Jr.
Lovejoy, Virginia K.	McCain, William F.	McCarthy, John J., Jr.
McKinney, Betsy	Melnick, Roy E.	Packard, Sherman A.
Raynowska, Bernard J.	Rubin, George R.	Skinner, Patricia M.
Smith, Arthur W.	Sytek, Donna P.	Sytek, John J.
Thayer, Leroy C.	Warburton, Calvin	Welch, David A.
Weyler, Kenneth L.		

**STRAFFORD**

Bickford, Drucilla	Brown, Julie M.	Corte, Arthur B.
Douglass, Clyde J.	Flynn, Edward J.	Foss, Patricia H.
Frechette, Roland A.	Keans, Sandra B.	Martling, W. Kent
Musler, George T.	Nehring, William H.	O'Brien, John
Parks, Joe B.	Pelley, Janet R.	Sullivan, Henry P.
Torr, Ralph W.	Tsiros, William	Young, John B.

**SULLIVAN**

Domini, Irene C.	Krueger, Richard H.	Lindblade, Eric N.
Middleton, John A.	Peyron, Fredrik	Porter, Robert H.
Rodeschin, Beverly T.	Schotanus, Merle W.	

and the floor amendment failed.

Reps. Cowenhoven and Robinson yielded to questions on the Committee report.

Report adopted.

Ordered to third reading.

**RECESS****(Speaker Burns in the Chair)**

**HB 1005**, relative to the reapportionment of house districts within cities and the election of delegates to state party conventions. **OUGHT TO PASS WITH AMENDMENT.**

Reps. Natalie S. Flanagan and Garret P. Cowenhoven for Constitutional and Statutory Revision: House Bill 1005 is the companion bill to House Bill 591. The redistricting of representative districts within cities was done in a separate bill in order to allow time for cities to change their ward lines at the February election. Most of the plans for the cities have been agreed to by the Democrat and Republican members of the House Redistricting Committee. The major dispute centers around the city of Portsmouth and the number of seats allocated to that city. The second part of the bill addresses the assignment of delegates to state party conventions. After a public hearing on the bill, the Committee on Constitutional and Statutory Revision agreed to ask the House to redistrict House seats within the cities and to appoint a subcommittee to work with the Senate to address the method of determining how delegates should be selected. In this bill, the delegates would be elected within the cities on at-large basis. If the subcommittee working with the Senate develops a different proposal, this bill will be amended. Vote 9-4.

5248L

**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Reapportioning State Representative Districts in Keene. RSA 662:5, III District No. 14 is repealed and reenacted to read as follows:

District No. 14	Keene Ward 1	1
District No. 15	Keene Ward 2	1
District No. 16	Keene Ward 3	1
District No. 17	Keene Ward 4	1
District No. 18	Keene Ward 5	1
District No. 19	Keene Wards 1-5	3

2 Reapportioning State Representative Districts in Nashua and Manchester. RSA 662:5, VI District No. 26 and District No. 27 are repealed and reenacted to read as follows:

District No. 26	Nashua Ward 1	3
District No. 27	Nashua Ward 2	3
District No. 28	Nashua Ward 3	3
District No. 29	Nashua Ward 4	3
District No. 30	Nashua Ward 5	3
District No. 31	Nashua Ward 6	3
District No. 32	Nashua Ward 7	3
District No. 33	Nashua Ward 8	3
District No. 34	Nashua Ward 9	3
District No. 35	Nashua Wards 1, 2, 3, 5	1
District No. 36	Nashua Wards 4, 6, 7, 8, 9	1
District No. 37	Manchester	36

3 Reapportioning State Representative Districts in Concord. RSA 662:5, VII District No. 14 is repealed and reenacted to read as follows:

District No. 14	Concord Ward 1	1
District No. 15	Concord Ward 2	1
District No. 16	Concord Wards 3-6	4
District No. 17	Concord Ward 7	1
District No. 18	Concord Ward 8	1
District No. 19	Concord Ward 9	1
District No. 20	Concord Ward 10	1
District No. 21	Concord Wards 1-10	3

4 Reapportioning State Representative Districts in Portsmouth. RSA 662:5, VIII District No. 30 is repealed and reenacted to read as follows:

District No. 30	Portsmouth Ward 1	1
District No. 31	Portsmouth Ward 2	1
District No. 32	Newington	
	Portsmouth Ward 3	1
District No. 33	Portsmouth Ward 4	2
District No. 34	Newington	
	Portsmouth Wards 1, 3, and 4	1
District No. 35	Portsmouth Ward 5	2



District No. 36 Portsmouth Wards 2 and 5 1  
 5 Reapportioning State Representative Districts in Dover, Somersworth and Rochester. RSA 662:5, IX District Nos. 11-15 are repealed and reenacted to read as follows:

District No. 11	Dover Wards 1-3	4
District No. 12	Dover Wards 4-6	4
District No. 13	Dover Wards 1-6	1
District No. 14	Somersworth	4
District No. 15	Rochester Ward 1	2
District No. 16	Rochester Ward 2	2
District No. 17	Rochester Ward 3	1
District No. 18	Rochester Ward 4	1
District No. 19	Rochester Wards 3 and 4	2
District No. 20	Rochester Ward 5	2

6 Reapportioning State Representative Districts in Claremont. RSA 662:5, X District No. 8 is repealed and reenacted to read as follows:

District No. 8	Claremont Ward 1	1
District No. 9	Claremont Ward 2	1
District No. 10	Claremont Ward 3	1
District No. 11	Claremont Wards 1-3	2

7 Application; State Representative Districts and Wards in the City of Manchester. For the purpose of electing state representatives to the general court at the state general election to be held in November, 1992, 36 state representatives shall be elected from 12 wards.

8 Delegates to State Party Conventions. RSA 662:6 is repealed and reenacted to read as follows:

662:6 Delegates to State Party Conventions. At every state primary election, the voters shall elect delegates to each state party convention as follows:

#### I. Belknap County

Alton	1
Barnstead	1
Belmont	2
Center Harbor	1
Gilford	2
Gilmanton	1
Laconia	6
Meredith	2
New Hampton	1
Sanbornton	1
Tilton	1

#### II. Carroll County

Albany	1
Bartlett	1
Brookfield	1
Chatham	1
Conway	3
Eaton	1
Effingham	1

	Freedom	1
	Hale's Location	1
	Hart's Location	1
	Jackson	1
	Madison	1
	Moultonborough	1
	Ossipee	1
	Sandwich	1
	Tamworth	1
	Tuftonboro	1
	Wakefield	1
	Wolfeboro	2
III. Cheshire County		
	Alstead	1
	Chesterfield	1
	Dublin	1
	Fitzwilliam	1
	Gilsum	1
	Harrisville	1
	Hinsdale	1
	Jaffrey	2
	Keene	8
	Marlborough	1
	Marlow	1
	Nelson	1
	Richmond	1
	Rindge	1
	Roxbury	1
	Stoddard	1
	Sullivan	1
	Surrey	1
	Swanzey	2
	Troy	1
	Walpole	1
	Westmoreland	1
	Winchester	1
IV. Coos County		
	Atkinson & Gilmanton	
	Academy Grant	0
	Bean's Grant	0
	Bean's Purchase	0
	Berlin	4
	Cambridge	0
	Carroll	1
	Chandler's Purchase	0
	Clarksville	1
	Colebrook	1
	Columbia	1

Crawford's Purchase	0
Cutt's Grant	0
Dalton	1
Dix's Grant	0
Dixville	1
Dummer	1
Errol	1
Erving's Location	0
Gorham	1
Green's Grant	0
Hadley's Purchase	0
Jefferson	1
Kilkenny	0
Lancaster	1
Low & Burbank's Grant	0
Martin's Location	0
Milan	1
Millsfield	1
Northumberland	1
Odell	0
Pinkham's Grant	1
Pittsburg	1
Randolph	1
Sargent's Purchase	0
Second College Grant	0
Shelburne	1
Stark	1
Stewartstown	1
Stratford	1
Success	0
Thompson & Meserve's Purchase	0
Wentworth's Location	1
Whitefield	1
V. Grafton County	
Alexandria	1
Ashland	1
Bath	1
Benton	1
Bethlehem	1
Bridgewater	1
Bristol	1
Campton	1
Canaan	1
Dorchester	1
Easton	1
Ellsworth	1
Enfield	1
Franconia	1

Grafton	1
Groton	1
Hanover	4
Haverhill	1
Hebron	1
Holderness	1
Landaff	1
Lebanon	4
Lincoln	1
Lisbon	1
Littleton	2
Livermore	0
Lyman	1
Lyme	1
Monroe	1
Orange	1
Orford	1
Piermont	1
Plymouth	2
Rumney	1
Sugar Hill	1
Thornton	1
Warren	1
Waterville Valley	1
Wentworth	1
Woodstock	1

## VI. Hillsborough County

Amherst	4
Antrim	1
Bedford	5
Bennington	1
Brookline	1
Deering	1
Francestown	1
Goffstown	5
Greenfield	1
Greenville	1
Hancock	1
Hillsborough	2
Hollis	2
Hudson	7
Litchfield	2
Lyndeborough	1
Manchester	36
Mason	1
Merrimack	8
Milford	4
Mont Vernon	1



Nashua	29
New Boston	1
New Ipswich	1
Pelham	4
Peterborough	2
Sharon	1
Temple	1
Weare	2
Wilton	1
Windsor	1

## VII. Merrimack County

Allentown	2
Andover	1
Boscawen	1
Bow	2
Bradford	1
Canterbury	1
Chichester	1
Concord	13
Danbury	1
Dunbarton	1
Epsom	1
Franklin	3
Henniker	1
Hill	1
Hooksett	3
Hopkinton	2
Loudon	1
New London	1
Newbury	1
Northfield	1
Pembroke	2
Pittsfield	1
Salisbury	1
Sutton	1
Warner	1
Webster	1
Wilmot	1

## VIII. Rockingham County

Atkinson	2
Auburn	1
Brentwood	1
Candia	1
Chester	1
Danville	1
Deerfield	1
Derry	11
East Kingston	1

Epping	2
Exeter	5
Fremont	1
Greenland	1
Hampstead	2
Hampton	5
Hampton Falls	1
Kensington	1
Kingston	2
Londonderry	7
New Castle	1
Newfields	1
Newington	1
Newmarket	2
Newton	1
North Hampton	1
Northwood	1
Nottingham	1
Plaistow	2
Portsmouth	9
Raymond	3
Rye	2
Salem	10
Sandown	1
Seabrook	2
South Hampton	1
Stratham	1
Windham	3
IX. Strafford County	
Barrington	2
Dover	9
Durham	4
Farmington	2
Lee	1
Madbury	1
Middleton	1
Milton	1
New Durham	1
Rochester	10
Rollinsford	1
Somersworth	4
Strafford	1
X. Sullivan County	
Acworth	1
Charlestown	2
Claremont	5
Cornish	1
Croydon	1

Goshen	1
Grantham	1
Langdon	1
Lempster	1
Newport	2
Plainfield	1
Springfield	1
Sunapee	1
Unity	1
Washington	1

9 Application. The changes in representative district lines established by this act shall not affect constituencies or terms of office of representatives presently in office. The representative districts established by this act shall be in effect for the purpose of electing representatives to the general court at the 1992 state general election. If there shall be a vacancy in a representative district for any reason prior to the 1992 state general election, the vacancy shall be filled by and from the same representative district that existed for the 1990 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for the annual session in January, 1992.

10 Contingency. Sections 1-9 of this act shall take effect upon its passage if HB 591, "An Act reapportioning the state house of representatives districts" becomes law. If HB 591 does not become law, sections 1-9 of this act shall not take effect.

11 Effective Date.

I. Sections 1-9 of this act shall take effect as provided in section 10.

II. Section 10 of this act shall take effect upon its passage.

Adopted.

Rep. Cowenhoven spoke in favor of the Committee report.

Rep. Buckley offered a floor amendment.

5291L

### Floor Amendment

Amend the bill by replacing section 2 with the following:

2 Reapportioning State Representative Districts in Nashua and Manchester. RSA 662:5, VI District No. 26 and District No. 27 are repealed and reenacted to read as follows:

District No. 26	Nashua Ward 1	3
District No. 27	Nashua Ward 2	3
District No. 28	Nashua Ward 3	3
District No. 29	Nashua Ward 4	3
District No. 30	Nashua Ward 5	3
District No. 31	Nashua Ward 6	3
District No. 32	Nashua Ward 7	3
District No. 33	Nashua Ward 8	3
District No. 34	Nashua Ward 9	3
District No. 35	Nashua Wards 1, 2, 3, 5	1
District No. 36	Nashua Wards 4, 6, 7, 8, 9	1
District No. 37	Manchester Ward 1	3
District No. 38	Manchester Ward 2	3
District No. 39	Manchester Ward 3	3

District No. 40	Manchester Ward 4	3
District No. 41	Manchester Ward 5	3
District No. 42	Manchester Ward 6	3
District No. 43	Manchester Ward 7	3
District No. 44	Manchester Ward 8	3
District No. 45	Manchester Ward 9	3
District No. 46	Manchester Ward 10	3
District No. 47	Manchester Ward 11	3
District No. 48	Manchester Ward 12	3

Amend the bill by replacing section 7 with the following:

7 Application of City Charter Amendments to November, 1992 State and Congressional Elections. Notwithstanding any provision of RSA 49-B:6, IV(b) all city charter amendments applicable to redistricting which do not have an earlier effective date than the effective date of this act shall become effective no later than the effective date of this act for the purpose of conducting the state general election to choose federal, state and county officers to be held in November, 1992.

Reps. Buckley and Gross spoke in favor.

Adopted.

Rep. Scott Green offered a floor amendment.

5288L

#### Floor Amendment

Amend RSA 662:6, VI as inserted by section 8 of the bill by replacing it with the following:

#### VI. Hillsborough County

Amherst	4
Antrim	1
Bedford	5
Bennington	1
Brookline	1
Deering	1
Francestown	1
Goffstown	5
Greenfield	1
Greenville	1
Hancock	1
Hillsborough	2
Hollis	2
Hudson	7
Litchfield	2
Lyndeborough	1
Manchester Ward 1	3
Manchester Ward 2	3
Manchester Ward 3	3
Manchester Ward 4	3
Manchester Ward 5	3
Manchester Ward 6	3
Manchester Ward 7	3
Manchester Ward 8	3



Manchester Ward 9	3
Manchester Ward 10	3
Manchester Ward 11	3
Manchester Ward 12	3
Mason	1
Merrimack	8
Milford	4
Mont Vernon	1
Nashua	29
New Boston	1
New Ipswich	1
Pelham	4
Peterborough	2
Sharon	1
Temple	1
Weare	2
Wilton	1
Windsor	1

Rep. Scott Green spoke in favor.

Rep. Cowenhoven spoke against and yielded to questions.

The motion failed.

Rep. McGovern offered a floor amendment.

5260L

### Floor Amendment

Amend the bill by replacing section 4 with the following:

4 Reapportioning State Representative Districts in Portsmouth. RSA 662:5, VIII

District No. 30 is repealed and reenacted to read as follows:

District No. 30	Portsmouth Ward 1	1
District No. 31	Portsmouth Ward 2	1
District No. 32	Portsmouth Ward 5	2
District No. 33	Portsmouth Wards 1, 2, and 5	2
District No. 34	Newington	
	Portsmouth Ward 3	1
District No. 35	Portsmouth Ward 4	2
District No. 36	Newington	
	Portsmouth Wards 3 and 4	1

Rep. McGovern spoke in favor.

Rep. Robinson spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

YEAS 102

NAYS 222

YEAS 102  
BELKNAP

Joscelyn, William W.

Maviglio, Steven R.

CARROLL

Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.  
Foster, Katherine D.  
Lynch, Margaret A.

Clark, Eugene W.  
Kingsbury, H. Thayer  
Pratt, Irene A.

Cole, Kenneth A.  
LaMar, David M.  
Riley, William A.

**COOS**

Coulombe, Henry W.  
Nelson, Harold D.

Hawkinson, Marie C.  
Oliver, Terry D.

Mayhew, Josephine  
Theriault, Romeo J.

**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.  
Nordgren, Sharon L.

Brown, Patricia B.  
Guest, Robert H.

Chambers, Mary P.  
McIlwaine, Deborah P.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baldizar, Barbara J.  
Chasse, Richard D.  
Crotty, Edward J.  
Drolet, Paul L.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Jordan, Mary H.  
Laughlin, J. Francis  
Nardi, Theodora P.  
Pepino, Leo P.  
White, John M.

Asselin, Robert P.  
Bourque, Ann J.  
Clemons, Jane A.  
Desrochers, Gerard T.  
Emerton, Lawrence A.  
Gureckis, Adam C., Sr.  
Janas, Gregory  
King, Frank P.  
Martin, Mary Ellen  
Packard, Bonnie B.  
Soucy, Donna M.

Baker, George H., Sr.  
Buckley, Raymond  
Cote, David E.  
Drabinowicz, A. Theresa  
Gage, Ruth E.  
Hall, Betty B.  
Johnson, Lionel W.  
Larochelle, Roger B.  
McDowell, James E.  
Paquette, Rodolphe G.  
Turgeon, Roland M.

**MERRIMACK**

Braiterman, Thea  
Letourneau, George E.  
Soldati, Jennifer G.  
Yeaton, Charles B.

Daneault, Gabriel J.  
Millard, Elizabeth S.  
Trombly, Rick A.

Johnson, Joyce M.  
Molner, Mary E.  
Wallner, Mary Jane

**ROCKINGHAM**

Bell, Juanita L.  
Christie, Andrew, Jr.  
Felch, Charles H., Sr.  
MacDonald, Joseph A.  
Schanda, Joseph, Sr.  
Vaughn, Charles L.

Brown, Jeffrey M.  
Clark, Martha Fuller  
Hynes, Carolyn E.  
McGovern, Cynthia A.  
Syracusa, Anthony  
Woods, Deborah L.

Caswell, Albert, Jr.  
Dube, LeRoy S.  
Kane, Cecelia D.  
Rosencrantz, James R.  
Terninko, Margaret B.

**STRAFFORD**

Gilmore, Gary R.  
Jankowski, Peter M.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Wheeler, Katherine W.

Hambrick, Patricia A.  
McCann, William H., Jr.  
Pelley, Janet R.  
Vincent, Francis C.

Hashem, Elaine M.  
O'Brien, John  
Spencer, Leo J.  
Wall, Janet G.

**SULLIVAN**

Allison, David C.

Burling, Peter Hoe

Walsh, Robert R.

### NAYS 222 BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Cain, Thomas G.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.  
Ziegler, Alice S.

### CARROLL

Allard, Nanci A.  
Chandler, Gene G.  
Saunders, Howard N.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Wiggin, Allen R.

Bradley, Jeb E.  
Dickinson, Howard C.

### CHESHIRE

Cole, Stacey W.  
Grodin, Richard A.  
Kennison, Wayne A.  
Pearson, Gertrude B.

Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Perry, David M.

Feuer, Joseph N.  
Hunt, John B.  
Mohr, Frederick C., Jr.  
Young, David A.

### COOS

Brungot, Catherine V.  
Horton, Lynn C.  
Merrill, Gerald P.

Buckley, C. Fitzgerald  
Kilbride, Dennis J.  
Pratt, Leighton C.

Guay, Lawrence J.  
Marsh, Beaton

### GRAFTON

Adams, Carl S.  
Christy, C. Dana  
LaMott, Paul I.  
Markley, J. Keith  
Shackett, Ralph E.  
Trelfa, Richard T.

Bean, Pamela B.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Stewart, Roger D.  
White, Paul R.

Brown, Channing T.  
Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.  
Teschner, Douglass P.

### HILLSBOROUGH

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Durham, Susan B.  
Ferguson, Charles  
Ford, Nancy M.  
Green, Scott E.  
Holden, Carol H.  
Jean, Romeo W.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Murphy, Robert E.  
Record, Alice B.  
Robinson, Ellen-Ann

Alukonis, David J.  
Arnold, Barbara E.  
Carpenter, Karen A.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Hultgren, David D.  
Keane, Cornelius J.  
Kurk, Neal M.  
Lawrence, Eva M.  
Lozeau, Donnalee M.  
McNerney, Daniel P.  
Messier, Irene M.  
Ouellette, Robert O.  
Rheault, Lillian I.  
Rodgers, G. Philip

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Desrosiers, William J.  
Donovan, Francis X.  
Elliott, Larry G.  
Fields, Dennis H.  
Goulet, Maurice E.  
Healy, Walter F.  
Jasper, Shawn N.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Peters, Stanley W.  
Riley, Frances L.  
Rothhaus, Finlay C.

Sallada, Roland A.  
 Stiles, Walter A.  
 Vanderlosk, Stanley R.  
 Wright, George W.

Searles, Stanley N., Sr.  
 Tarpley-Bamberger, Nancy L.  
 Wheeler, David K.

Smith, Leonard A.  
 Upton, Barbara A.  
 Wheeler, Robert L.

### MERRIMACK

Apple, Lowell D.  
 Carter, Susan D.  
 Christie, Thomas J.  
 Feuerstein, Martin  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Stio, Peter M.

Barberia, Richard A.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Kidder, William F.  
 Nichols, Avis B.  
 Teague, Bert

Boucher, Laurent J.  
 Chandler, John P.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Lewis, Mary Ann  
 Smith, Gerald R.  
 Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Connell, David R.  
 Dowd, Sandra K.  
 Flanders, David A.  
 Ford, Bert H.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 Melnick, Roy E.  
 Roulston, Donald L.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Welch, David A.

Benton, Richardson D.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 Drake, Herbert R.  
 Flanders, Harry E.  
 Gage, Beverly A.  
 Hurst, Sharleene P.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Rubin, George R.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Weyler, Kenneth L.

Boucher, William P.  
 Coffey, John J.  
 Cooke, Annette M.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Warburton, Calvin

### STRAFFORD

Bickford, Drucilla  
 Douglass, Clyde J.  
 Frechette, Roland A.  
 Martling, W. Kent  
 Torr, Ralph W.

Brown, Julie M.  
 Flynn, Edward J.  
 Keans, Sandra B.  
 Nehring, William H.  
 Tsiros, William

Corte, Arthur B.  
 Foss, Patricia H.  
 Knowles, William V.  
 Parks, Joe B.  
 Young, John B.

### SULLIVAN

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Porter, Robert H.

Domini, Irene C.  
 Middleton, John A.  
 Rodeschin, Beverly T.

Flint, Gordon B.  
 Peyron, Fredrik  
 Schotanus, Merle W.

and the floor amendment failed.

Report adopted.

Ordered to third reading.



**SUSPENSION OF RULES**

Reps. Gross and Chambers moved that the Rules be so far suspended as to permit third reading and final passage at the present time of **HB 591**, reapportioning the state house of representatives districts and **HB 1005**, relative to reapportionment of house districts within cities and the election of delegates to state party conventions.

Rep. Gross spoke in favor.

Adopted by the necessary two-thirds.

The question being third reading and final passage of HB 591 and HB 1005.

Rep. Chambers requested that the question be divided.

The Chair ruled that the question was divisible.

The question being final passage of HB 591.

Rep. Chambers spoke against.

Rep. Gross spoke in favor.

Roll call request sufficiently seconded.

**YEAS 227****NAYS 109****YEAS 227****BELKNAP**

Accornero, Harry	Bartlett, Gordon E.
Campbell, Richard H., Jr.	Dewhurst, Glenn E.
Holbrook, Robert G.	Johnson, Carl R.
Rosen, Ralph J.	Shibley, Arnold P.
Vogler, Charles C.	Zaharchuk, Peter J., Jr.

Cain, Thomas G.
Hawkins, Robert S.
Rice, Thomas E. P., Jr.
Turner, Robert H.
Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.	Beach, Mildred A.
Chandler, Gene G.	Daly, Robert J., Jr.
Jean, Robert R.	Saunders, Howard N.
Wiggin, Gordon E.	

Bradley, Jeb E.
Dickinson, Howard C.
Wiggin, Allen R.

**CHESHIRE**

Cole, Stacey W.	Crutchley, Donald O.
Grodin, Richard A.	Hogan, James B.
Kennison, Wayne A.	Laurent, John J.
Pearson, Gertrude B.	Perry, David M.
Young, David A.	

Feuer, Joseph N.
Hunt, John B.
Mohr, Frederick C., Jr.
Riley, William A.

**COOS**

Brungot, Catherine V.	Buckley, C. Fitzgerald
Horton, Lynn C.	Marsh, Beaton
Pratt, Leighton C.	

Guay, Lawrence J.
Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.	Bean, Pamela B.
Driscoll, William J.	Hill, Richard L.
Larson, Nils H., Jr.	Lougee, Richard W.
Nielsen, Niels F., Jr.	Shackett, Ralph E.
Trelfa, Richard T.	Ward, Kathleen W.

Brown, Channing T.
LaMott, Paul I.
Markley, J. Keith
Stewart, Roger D.
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.	Alukonis, David J.	Amidon, Eleanor H.
Andrews, Frederick B.	Arnold, Barbara E.	Bowers, Dorothy C.
Calawa, Leon, Jr.	Carpenter, Karen A.	Cowenhoven, Garret P.
Daniels, Gary L.	Desrosiers, William J.	Dodge, Emma M.
Domaigne, Jacquelyn M.	Durham, Susan B.	Dyer, Merton S.
Elliott, Larry G.	Emerton, Lawrence A.	Ferguson, Charles
Ferlan, Arthur P.	Fields, Dennis H.	Ford, Nancy M.
Gagnon, Eugene L.	Goulet, Maurice E.	Green, Scott E.
Greenglass, Alan B.	Healy, Daniel J.	Healy, Walter F.
Holden, Carol H.	Hultgren, David D.	Jasper, Shawn N.
Jean, Romeo W.	Kelley, Dana F.	Kelley, Robert N.
Kurk, Neal M.	L'Heureux, Robert J.	Lachut, Ervin R.
Lawrence, Eva M.	Lawrence, Norman B.	Lown, Elizabeth D.
Lozeau, Donnalee M.	Mason, Howard F.	McCann, Bonnie Lou
McNerney, Daniel P.	McRae, Karen K.	Mercer, Robert S.
Messier, Irene M.	Moore, Elizabeth A.	Ouellette, Robert O.
Pepino, Leo P.	Peters, Stanley W.	Record, Alice B.
Rheault, Lillian I.	Riley, Frances L.	Robinson, Ellen-Ann
Rodgers, G. Philip	Rothhaus, Finlay C.	Sallada, Roland A.
Searles, Stanley N., Sr.	Smith, Leonard A.	Steiner, Lee Anne
Stiles, Walter A.	Tarpley-Bamberger, Nancy L.	Tate, Joan C.
Upton, Barbara A.	Vanderlosk, Stanley R.	Wheeler, David K.
Wheeler, Robert L.	Wright, George W.	

**MERRIMACK**

Apple, Lowell D.	Barberia, Richard A.	Boucher, Laurent J.
Carter, Susan D.	Chandler, Earle W.	Chandler, John P.
Christie, Thomas J.	Dunn, Miriam D.	Fair, Patricia A.
Fillion, Paul R.	Gross, Caroline L.	Hager, Elizabeth S.
Hall, Douglas E.	Hayes, Robert C.	Hill, Michael J.
Holmes, Mary C.	Jacobson, Alf E.	Johnson, C. William
Kidder, William F.	Lewis, Mary Ann	Lockwood, Robert A.
Nichols, Avis B.	Smith, Gerald R.	Stio, Peter M.
Teague, Bert	Weeks, John F., Jr.	

**ROCKINGHAM**

Barnes, John S., Jr.	Benton, Richardson D.	Boucher, William P.
Campbell, Marilyn R.	Christie, Andrew, Jr.	Chulack, Peter G., Sr.
Connell, David R.	Conroy, Janet M.	Cooke, Annette M.
Dowd, Sandra K.	Dowling, Patricia A.	Drake, Herbert R.
Flanagan, Natalie S.	Flanders, David A.	Flanders, Harry E.
Flanders, John W., Sr.	Gage, Beverly A.	Greene, Elizabeth A.
Hoar, John, Jr.	Hoelzel, Kathleen M.	Hurst, Sharleene P.
Johnson, Robert A.	Katsakiores, George N.	Katsakiores, Phyllis
Klemarczyk, Thaddeus E.	Klemm, Arthur P., Jr.	Lovejoy, Virginia K.
MacKinnon, Nancy W.	Magoon, Harold F.	McCain, William F.
McCarthy, John J., Jr.	McKinney, Betsy	Melnick, Roy E.
Packard, Sherman A.	Raynowska, Bernard J.	Roulston, Donald L.
Rubin, George R.	Skinner, Patricia M.	Smith, Arthur W.

Sytek, Donna P.  
Tufts, Arthur  
Weyler, Kenneth L.

Sytek, John J.  
Warburton, Calvin

Thayer, Leroy C.  
Welch, David A.

### STRAFFORD

Bickford, Drucilla  
Douglass, Clyde J.  
Frechette, Roland A.  
Martling, W. Kent  
Pelley, Janet R.  
Tsiros, William

Brown, Julie M.  
Flynn, Edward J.  
Keans, Sandra B.  
Nehring, William H.  
Sullivan, Henry P.  
Young, John B.

Corte, Arthur B.  
Foss, Patricia H.  
Knowles, William V.  
Parks, Joe B.  
Torr, Ralph W.

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Peyron, Fredrik  
Schotanus, Merle W.

Domini, Irene C.  
Lindblade, Eric N.  
Porter, Robert H.

Flint, Gordon B.  
Middleton, John A.  
Rodeschin, Beverly T.

### NAYS 109

### BELKNAP

Joscelyn, William W.

Maviglio, Steven R.

Salatiello, Thomas B.

### CARROLL

None

### CHESHIRE

Burnham, Daniel M.  
Foster, Katherine D.  
Lynch, Margaret A.

Clark, Eugene W.  
Kingsbury, H. Thayer  
Pratt, Irene A.

Cole, Kenneth A.  
LaMar, David M.

### COOS

Coulombe, Henry W.  
Mayhew, Josephine  
Theriault, Romeo J.

Hawkinson, Marie C.  
Nelson, Harold D.

Kilbride, Dennis J.  
Oliver, Terry D.

### GRAFTON

Arnesen, Deborah L.  
Christy, C. Dana  
McIlwaine, Deborah P.  
Teschner, Douglass P.

Brown, Patricia B.  
Copenhaver, Marion L.  
Nordgren, Sharon L.

Chambers, Mary P.  
Guest, Robert H.  
Scanlan, David M.

### HILLSBOROUGH

Ackerman, Philip M.  
Baldizar, Barbara J.  
Chasse, Richard D.  
Cote, David E.  
Donovan, Francis X.  
Gage, Ruth E.  
Hall, Betty B.  
Johnson, Lionel W.  
King, Frank P.  
Martin, Mary Ellen

Asselin, Robert P.  
Bourque, Ann J.  
Clemons, Jane A.  
Crotty, Edward J.  
Drabinowicz, A. Theresa  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Jordan, Mary H.  
Laroche, Roger B.  
McDowell, James E.

Baker, George H., Sr.  
Buckley, Raymond  
Cook, Valerie S.  
Desrochers, Gerard T.  
Drolet, Paul L.  
Gureckis, Adam C., Sr.  
Janas, Gregory  
Keane, Cornelius J.  
Laughlin, J. Francis  
Murphy, Robert E.

Nardi, Theodora P.  
Reidy, Frank J.  
White, John M.

Packard, Bonnie B.  
Soucy, Donna M.

Paquette, Rodolphe G.  
Turgeon, Roland M.

### MERRIMACK

Braiterman, Thea  
Johnson, Joyce M.  
Molner, Mary E.  
Wallner, Mary Jane

Daneault, Gabriel J.  
Letourneau, George E.  
Soldati, Jennifer G.  
Yeaton, Charles B.

Feuerstein, Martin  
Millard, Elizabeth S.  
Trombly, Rick A.

### ROCKINGHAM

Bell, Juanita L.  
Clark, Martha Fuller  
Felch, Charles H., Sr.  
MacDonald, Joseph A.  
Schanda, Joseph, Sr.  
Vaughn, Charles L.

Brown, Jeffrey M.  
Coffey, John J.  
Hynes, Carolyn E.  
McGovern, Cynthia A.  
Syracusa, Anthony  
Woods, Deborah L.

Caswell, Albert, Jr.  
Dube, LeRoy S.  
Kane, Cecelia D.  
Rosencrantz, James R.  
Terninko, Margaret B.

### STRAFFORD

Gilmore, Gary R.  
Jankowski, Peter M.  
O'Brien, John  
Vincent, Francis C.

Hambrick, Patricia A.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Wall, Janet G.

Hashem, Elaine M.  
Merrill, Amanda A.  
Spencer, Leo J.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Walsh, Robert R.

Burling, Peter Hoe

Harland, Jane A.

and HB 591 was read a third time and passed.

The question being final passage of HB 1005.

Adopted.

### LATE SESSION

#### (Third reading and Final Passage)

**HB 591**, reapportioning the state house of representatives districts.

**HB 1005**, relative to reapportionment of house districts within the cities and the election delegates to state party conventions.

### UNANIMOUS CONSENT

Rep. Lockwood moved that the remarks of Reps. Cowenhoven and Chambers, pursuant to the reapportionment bills, be printed in the Permanent Journal.

Adopted.

Rep. Cowenhoven: Thank you Mr. Speaker. I was first told that I was going to take on the chore of running the House redistricting process 14 months ago. There have been 23 other members, as well as staff, that have worked diligently throughout that whole period of time. I thank you for your patience. I would like to recognize them now and have the whole House say thank you, they have put in a lot of hard work. From Belknap County, Reps. Rice and Salatiello; Carroll County, Rep. Gene Chandler; Cheshire County, Reps. Grodin and Irene Pratt; Coos County, Reps. Guay and Mayhew; Grafton County, Reps. Dana Christy and Nordgren; Hillsborough County, Reps. O'Rourke and Record; Merrimack County, Reps. Gross and Trombly; Rockingham County, Reps. McGovern and Simon; Strafford County, Reps. William McCann and Ann Torr and Sullivan County, Reps. Krueger and Stamatakis. The



Executive Committee consisted of Reps. Flanagan, Chambers and Burns. The Clerk of the Committee and our numbers guru, Rep. Robinson. The Vice Chairman, Rep. Michael Hill. I present you a Committee that has really worked. Thank you very much.

But, we are only as good as our staff. Let me briefly thank the staff. Beckey Phyllides, Administrative Assistant to the Deputy Speaker, helped us in the beginning; Amy Ireland, Administrative Assistant to the Majority Leader, was a big assist and went to half of the road shows and transcribed the tapes; Attorney Sarah Brown-ing, Jim VanDongen in the House Information Office and Jim Simonson, Research Assistant to the Minority Leader, were a big assist. Carol Dunning, Legislative Assistant to the Majority Leader, who I could not have functioned without, made sure all the minutes were done correctly and the agendas were set. Without her assistance, we would not have gotten the job done. And finally, last but not least, the House attorney who really kept us all on the straight and narrow and probably had more to do with the language that you have passed today, Loretta Platt. Thank you staff.

Rep. Chambers: Mr. Speaker, I wanted to express my appreciation to the honorable member from Amherst. He had a very difficult job in trying to control all of us. Since he did not have a lot of leverage with me, he had to use a lot of charm. I tell you he has plenty of it. Every time I was close to getting angry, he would do something to get me to smile. It was a pleasure working with him and I appreciate his long, hard efforts. Thank you.

**(Rep. Michael Hill in the Chair)**  
**SPECIAL ORDERS**

**CACR 9**, relating to revenue raised through a personal income tax. Providing that each year at least 75 percent of all general fund revenues resulting from any personal income tax be returned to the cities, towns, school districts, counties, and property taxpayers to assist in property tax relief. **INEXPEDIENT TO LEGISLATE.**

Rep. David C. Young for Ways and Means: Some members considered this Constitutional Amendment too limiting on the future needs of the state. Others viewed it as part of an overall income tax plan they opposed. For these two reasons the majority of the Committee recommends Inexpedient to Legislate. Vote 11-3.

Rep. Arnesen moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Reps. Cowenhoven and Welch spoke against and yielded to questions.

Reps. Teague and Spencer spoke in favor.

Rep. Lamar requested a quorum count.

The Chair declared a quorum present.

Reps. Domaingue and Lamar spoke against.

Rep. Jacobson spoke against.

Rep. Douglas Hall requested a quorum count.

The Chair declared a quorum present.

Rep. Douglas Hall spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 133****YEAS 133**

Campbell, Richard H., Jr.

Bradley, Jeb E.

Burnham, Daniel M.

Hunt, John B.

Mohr, Frederick C., Jr.

Sawyer, Alfred P.

**BELKNAP**

Maviglio, Steven R.

**CARROLL**

Dickinson, Howard C.

**CHESHIRE**

Clark, Eugene W.

Kingsbury, H. Thayer

Pratt, Irene A.

**NAYS 207**

Vogler, Charles C.

Foster, Katherine D.

Lynch, Margaret A.

Riley, William A.

**COOS**

Buckley, C. Fitzgerald

Hawkinson, Marie C.

**GRAFTON**

Adams, Carl S.

Brown, Patricia B.

Guest, Robert H.

Nordgren, Sharon L.

Ward, Kathleen W.

Arnesen, Deborah L.

Chambers, Mary P.

Larson, Nils H., Jr.

Scanlan, David M.

Mayhew, Josephine

Bean, Pamela B.

Copenhaver, Marion L.

McIlwaine, Deborah P.

Teschner, Douglass P.

**HILLSBOROUGH**

Ackerman, Philip M.

Baldizar, Barbara J.

Daigle, Robert A.

Ferguson, Charles

Hanselman, Gregory L.

Jordan, Mary H.

King, Frank P.

Lozeau, DonnaLee M.

Messier, Irene M.

Paquette, Rodolphe G.

Soucy, Donna M.

Asselin, Robert P.

Clemons, Jane A.

Durham, Susan B.

Ford, Nancy M.

Janas, Gregory

Keane, Cornelius J.

Laroche, Roger B.

Martin, Mary Ellen

Murphy, Robert E.

Peters, Stanley W.

White, John M.

Baker, George H., Sr.

Crotty, Edward J.

Dyer, Merton S.

Gage, Ruth E.

Jean, Romeo W.

Kelley, Dana F.

Laughlin, J. Francis

McDowell, James E.

Nardi, Theodora P.

Robinson, Ellen-Ann

**MERRIMACK**

Boucher, Laurent J.

Chandler, John P.

Feuerstein, Martin

Hayes, Robert C.

Letourneau, George E.

Smith, Gerald R.

Trombly, Rick A.

Yeaton, Charles B.

Braiterman, Thea

Dunn, Miriam D.

Fillion, Paul R.

Johnson, Joyce M.

Lockwood, Robert A.

Soldati, Jennifer G.

Wallner, Mary Jane

Carter, Susan D.

Fair, Patricia A.

Hall, Douglas E.

Kidder, William F.

Molner, Mary E.

Teague, Bert

Weeks, John F., Jr.

**ROCKINGHAM**

Bell, Juanita L.

Clark, Martha Fuller

Hoar, John, Jr.

Klemarczyk, Thaddeus E.

MacKinnon, Nancy W.

Schanda, Joseph, Sr.

Terninko, Margaret B.

Campbell, Marilyn R.

Greene, Elizabeth A.

Johnson, Robert A.

Lovejoy, Virginia K.

McGovern, Cynthia A.

Syracusa, Anthony

Vaughn, Charles L.

Caswell, Albert, Jr.

Griebisch, Linda

Kane, Cecelia D.

MacDonald, Joseph A.

Rosencrantz, James R.

Sytek, Donna P.

**STRAFFORD**

Flynn, Edward J.  
 Hashem, Elaine M.  
 Knowles, William V.  
 Merrill, Amanda A.  
 Spencer, Leo J.  
 Wall, Janet G.

Gilmore, Gary R.  
 Jankowski, Peter M.  
 Martling, W. Kent  
 O'Brien, John  
 Sullivan, Henry P.  
 Wheeler, Katherine W.

Hambrick, Patricia A.  
 Keans, Sandra B.  
 McCann, William H., Jr.  
 Pageotte, Donald P.  
 Vincent, Francis C.  
 Young, John B.

**SULLIVAN**

Allison, David C.  
 Flint, Gordon B.  
 Lindblade, Eric N.  
 Walsh, Robert R.

Behrens, Thomas A.  
 Harland, Jane A.  
 Porter, Robert H.

Burling, Peter Hoe  
 Krueger, Richard H.  
 Schotanus, Merle W.

**NAYS 207****BELKNAP**

Accornero, Harry  
 Hawkins, Robert S.  
 Joscelyn, William W.  
 Salatiello, Thomas B.  
 Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
 Holbrook, Robert G.  
 Rice, Thomas E. P., Jr.  
 Shibley, Arnold P.  
 Ziegara, Alice S.

Cain, Thomas G.  
 Johnson, Carl R.  
 Rosen, Ralph J.  
 Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
 Daly, Robert J., Jr.  
 Wiggin, Allen R.

Beach, Mildred A.  
 Jean, Robert R.  
 Wiggin, Gordon E.

Chandler, Gene G.  
 Saunders, Howard N.

**CHESHIRE**

Cole, Kenneth A.  
 Feuer, Joseph N.  
 Kennison, Wayne A.  
 Metzger, Katherine H.  
 Young, David A.

Cole, Stacey W.  
 Grodin, Richard A.  
 LaMar, David M.  
 Pearson, Gertrude B.

Crutchley, Donald O.  
 Hogan, James B.  
 Laurent, John J.  
 Perry, David M.

**COOS**

Brungot, Catherine V.  
 Guay, Lawrence J.  
 Marsh, Beaton  
 Oliver, Terry D.

Burns, Harold W.  
 Horton, Lynn C.  
 Merrill, Gerald P.  
 Pratt, Leighton C.

Coulombe, Henry W.  
 Kilbride, Dennis J.  
 Nelson, Harold D.  
 Theriault, Romeo J.

**GRAFTON**

Brown, Channing T.  
 LaMott, Paul I.  
 Nielsen, Niels F., Jr.  
 Trelfa, Richard T.

Christy, C. Dana  
 Lougee, Richard W.  
 Shackett, Ralph E.  
 White, Paul R.

Hill, Richard L.  
 Markley, J. Keith  
 Stewart, Roger D.

**HILLSBOROUGH**

Ahrens, Frederick G.  
 Andrews, Frederick B.  
 Bourque, Ann J.  
 Calawa, Leon, Jr.  
 Cook, Valerie S.  
 Daniels, Gary L.

Alukonis, David J.  
 Arnold, Barbara E.  
 Bowers, Dorothy C.  
 Carpenter, Karen A.  
 Cote, David E.  
 Desrochers, Gerard T.

Amidon, Eleanor H.  
 Baroody, Benjamin C.  
 Buckley, Raymond  
 Chasse, Richard D.  
 Cowenhoven, Garret P.  
 Desrosiers, William J.

Dodge, Emma M.	Domaingue, Jacquelyn M.	Donovan, Francis X.
Drabinowicz, A. Theresa	Drolet, Paul L.	Elliott, Larry G.
Emerton, Lawrence A.	Ferlan, Arthur P.	Fields, Dennis H.
Gagnon, Eugene L.	Gosselin, Gerald O.	Goulet, Maurice E.
Green, Scott E.	Greenglass, Alan B.	Gureckis, Adam C., Sr.
Hall, Betty B.	Healy, Daniel J.	Healy, Walter F.
Holden, Carol H.	Hultgren, David D.	Jasper, Shawn N.
Johnson, Lionel W.	Kelley, Robert N.	Kurk, Neal M.
L'Heureux, Robert J.	Lachut, Ervin R.	Lawrence, Eva M.
Lawrence, Norman B.	Lown, Elizabeth D.	Mason, Howard F.
McCann, Bonnie Lou	McNerney, Daniel P.	McRae, Karen K.
Mercer, Robert S.	Moore, Elizabeth A.	Ouellette, Robert O.
Packard, Bonnie B.	Pepino, Leo P.	Record, Alice B.
Reidy, Frank J.	Rheault, Lillian I.	Riley, Frances L.
Rodgers, G. Philip	Rothhaus, Finlay C.	Sallada, Roland A.
Searles, Stanley N., Sr.	Smith, Leonard A.	Steiner, Lee Anne
Stiles, Walter A.	Tarpley-Bamberger, Nancy L.	Tate, Joan C.
Turgeon, Roland M.	Upton, Barbara A.	Vanderlosk, Stanley R.
Wheeler, David K.	Wheeler, Robert L.	Wright, George W.

#### MERRIMACK

Apple, Lowell D.	Barberia, Richard A.	Chandler, Earle W.
Christie, Thomas J.	Daneault, Gabriel J.	Gross, Caroline L.
Holmes, Mary C.	Jacobson, Alf E.	Johnson, C. William
Lewis, Mary Ann	Millard, Elizabeth S.	Nichols, Avis B.
Stio, Peter M.		

#### ROCKINGHAM

Barnes, John S., Jr.	Benton, Richardson D.	Boucher, William P.
Brown, Jeffrey M.	Buco, Stephen W.	Christie, Andrew, Jr.
Chulack, Peter G., Sr.	Coffey, John J.	Connell, David R.
Conroy, Janet M.	Cooke, Annette M.	Dowd, Sandra K.
Dowling, Patricia A.	Drake, Herbert R.	Dube, LeRoy S.
Felch, Charles H., Sr.	Flanagan, Natalie S.	Flanders, David A.
Flanders, Harry E.	Flanders, John W., Sr.	Ford, Bert H.
Gage, Beverly A.	Hoelzel, Kathleen M.	Hutchinson, Karen K.
Hynes, Carolyn E.	Katsakiores, George N.	Katsakiores, Phyllis
Klemm, Arthur P., Jr.	Magoon, Harold F.	McCain, William F.
McCarthy, John J., Jr.	McKinney, Betsy	Melnick, Roy E.
Packard, Sherman A.	Raynowska, Bernard J.	Roulston, Donald L.
Rubin, George R.	Skinner, Patricia M.	Smith, Arthur W.
Sytek, John J.	Thayer, Leroy C.	Tufts, Arthur
Warburton, Calvin	Welch, David A.	Weyler, Kenneth L.
Woods, Deborah L.		

#### STRAFFORD

Bickford, Drucilla	Brown, Julie M.	Corte, Arthur B.
Douglass, Clyde J.	Foss, Patricia H.	Frechette, Roland A.
Nehring, William H.	Parks, Joe B.	Pelley, Janet R.
Torr, Ralph W.	Tsiros, William	



## SULLIVAN

Domini, Irene C.

Middleton, John A.

Peyron, Fredrik

Rodeschin, Beverly T.

and the motion failed.

Report adopted.

**HB 763**, to fund state aid to education, to provide for property tax relief for cities and towns and individuals, to amend the state tax structure, and making an appropriation therefor. REFER FOR INTERIM STUDY.

Rep. Robert C. Hayes for Ways and Means: From late summer through late fall of this year, two subcommittees met regularly to evaluate the technical and tax aspects of House Bill 763. After examining reams of data, the Committee determined that the property tax is indeed inequitable on two accounts. First, it represents a disproportionate burden on low income homeowners. Second, and not so widely recognized, it places an inordinate demand on taxpayers in "property-poor" towns. Using the income tax as the source of revenue, the Committee set out to design a distribution formula that would address these two concerns.

Agreement was reached on a rate of 3.5 percent of adjusted gross income as defined in the Federal tax code, coupled with an exemption of \$3,000 per person to yield roughly \$450 million per year. Compared to the original version of the bill, this version would generate a significant amount of money with a limited impact across a wider range of income levels.

The 80 percent share of revenue (\$360 million) to be returned to municipalities will occur through two mechanisms. A revised foundation aid formula will deliver two-thirds of the money (\$240 million) to sending districts, reflecting the cost of education in local tax rates. The formula recognizes three factors in determining state aid to education: property wealth, income wealth, and tax effort. Revision of the third factor allows the formula to more accurately determine a district's need for aid. Given a funding level of \$240 million, the formula will fairly deliver 25 percent of the state education cost. A revised constitutional homestead exemption will deliver the remaining one-third of the local share (120 million) through a 20 percent reduction in property taxes for all resident homeowners, thereby guaranteeing that property taxes will be immediately and directly affected.

On the state side, the 20 percent share of revenue (90 million) is designed to be revenue neutral by offsetting the repeal of the Interest and Dividends Tax and the reduction of the Business Profits Tax from 8 percent to 3.5 percent. A major equity question is addressed by pegging the "reasonable compensation" problem that is currently allowing a majority of businesses to avoid paying any tax.

The principal arguments against an income tax are that: (1) the legislature cannot be trusted to divert revenues to the state general fund depending upon the state's current budget crisis; (2) a broad-based tax, like an addiction, could be expected to increase with time, and (3) returning such substantial sums to municipalities for education could result in unbridled spending far in excess of the communities' ability to spend wisely. The Committee believes the first two arguments are adequately addressed by two constitutional amendments to be brought to the House for approval. The final argument is addressed in part by the inclusion of a provision which would limit the local school districts' ability to spend all the increased foundation aid during the first two years.

During Interim Study, the Committee will continue to:

(1) Address the remaining concerns of members and develop methodologies for handling these funds.

(2) Utilize the KPMG study to further analyze the appropriateness and equity of the Committee alternative considering both the property tax and the income tax.

(3) Consider any additional solutions to the state property tax issue that may be advanced.

(4) Prepare draft legislation for future use.

Vote 10-6.

Rep. David Young moved that the words Ought to Pass be substituted for the report of the Committee, Refer for Interim Study, spoke against his motion and yielded to questions.

Reps. Hayes and Jacobson spoke against and yielded to questions.

Reps. Douglas Hall and Richard Hill spoke against.

Rep. Scanlan moved that the remarks of Reps. Douglas Hall and David Young on the substitute motion that HB 763 Ought to Pass be printed in the Permanent Journal.

Adopted.

### REMARKS

Rep. David Young: Here is my point, ladies and gentlemen. For the last two years hundreds, if not thousands of man hours have gone into this piece of legislation. Committee time, not to mention hundreds of radio talk shows and thousands of little speeches in favor of passing this proposal. None of the sponsors and none of the people who have been pushing this bill throughout the state of New Hampshire, or on the floor of this House now, are asking you to vote for this proposal. Ladies and gentlemen, this is an election year. Our citizens deserve more than radio talk shows and more than CACRs. We should finally have a vote on the income tax. If we are going to spend many thousands of dollars studying this proposal and thousands of man hours looking into it, the least that can happen is it comes to the floor of the House and we have a vote on it. To the extent that I would put this much time into a piece of legislation I would never not bring it to the floor of the House for an up or down vote.

Rep. Douglas Hall (inquiring of Rep. Hayes): Rep. Hayes, would you believe that this bill was drafted a year and a half ago, has dates in it referring to 1991 and 1992, appropriates \$108.6 million out of the general fund this year with no revenue to offset it since the tax would not be in place and that the sponsors of this bill could not in good conscience in any way, support a motion of Ought to Pass to send the deficit of this State to \$108 million?

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 2**

**NAYS 333**

**YEAS 2  
BELKNAP**

None

**CARROLL**

None

**CHESHIRE**

None

**COOS**

None

**GRAFTON**

McIlwaine, Deborah P.

**HILLSBOROUGH**

None

**MERRIMACK**

None

**ROCKINGHAM**

Johnson, Robert A.

**STRAFFORD**

None

**SULLIVAN**

None

**NAYS 333****BELKNAP**

Accornero, Harry  
 Campbell, Richard H., Jr.  
 Johnson, Carl R.  
 Rice, Thomas E. P., Jr.  
 Shibley, Arnold P.  
 Ziegler, Alice S.

Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Joscelyn, William W.  
 Rosen, Ralph J.  
 Turner, Robert H.

Cain, Thomas G.  
 Holbrook, Robert G.  
 Maviglio, Steven R.  
 Salatiello, Thomas B.  
 Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
 Chandler, Gene G.  
 Jean, Robert R.  
 Wiggin, Gordon E.

Beach, Mildred A.  
 Daly, Robert J., Jr.  
 Saunders, Howard N.

Bradley, Jeb E.  
 Dickinson, Howard C.  
 Wiggin, Allen R.

**CHESHIRE**

Burnham, Daniel M.  
 Cole, Stacey W.  
 Foster, Katherine D.  
 Hunt, John B.  
 LaMar, David M.  
 Metzger, Katherine H.  
 Perry, David M.  
 Sawyer, Alfred P.

Clark, Eugene W.  
 Crutchley, Donald O.  
 Grodin, Richard A.  
 Kennison, Wayne A.  
 Laurent, John J.  
 Mohr, Frederick C., Jr.  
 Pratt, Irene A.  
 Young, David A.

Cole, Kenneth A.  
 Feuer, Joseph N.  
 Hogan, James B.  
 Kingsbury, H. Thayer  
 Lynch, Margaret A.  
 Pearson, Gertrude B.  
 Riley, William A.

**COOS**

Brungot, Catherine V.  
 Coulombe, Henry W.  
 Horton, Lynn C.  
 Mayhew, Josephine  
 Oliver, Terry D.

Buckley, C. Fitzgerald  
 Guay, Lawrence J.  
 Kilbride, Dennis J.  
 Merrill, Gerald P.  
 Pratt, Leighton C.

Burns, Harold W.  
 Hawkinson, Marie C.  
 Marsh, Beaton  
 Nelson, Harold D.  
 Theriault, Romeo J.

**GRAFTON**

Adams, Carl S.  
 Brown, Patricia B.  
 Copenhagen, Marion L.

Bean, Pamela B.  
 Chambers, Mary P.  
 Driscoll, William J.

Brown, Channing T.  
 Christy, C. Dana  
 Guest, Robert H.

Hill, Richard L.  
 Lougee, Richard W.  
 Nordgren, Sharon L.  
 Stewart, Roger D.  
 Ward, Kathleen W.

LaMott, Paul I.  
 Markley, J. Keith  
 Scanlan, David M.  
 Teschner, Douglass P.  
 White, Paul R.

Larson, Nils H., Jr.  
 Nielsen, Niels F., Jr.  
 Shackett, Ralph E.  
 Trelfa, Richard T.

### HILLSBOROUGH

Ackerman, Philip M.  
 Amidon, Eleanor H.  
 Asselin, Robert P.  
 Baroddy, Benjamin C.  
 Buckley, Raymond  
 Chasse, Richard D.  
 Cote, David E.  
 Daigle, Robert A.  
 Desrosiers, William J.  
 Donovan, Francis X.  
 Durham, Susan B.  
 Emerton, Lawrence A.  
 Fields, Dennis H.  
 Gagnon, Eugene L.  
 Green, Scott E.  
 Hall, Betty B.  
 Healy, Walter F.  
 Janas, Gregory  
 Johnson, Lionel W.  
 Kelley, Dana F.  
 Kurk, Neal M.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 Martin, Mary Ellen  
 McDowell, James E.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Packard, Bonnie B.  
 Peters, Stanley W.  
 Rheault, Lillian I.  
 Rodgers, G. Philip  
 Searles, Stanley N., Sr.  
 Steiner, Lee Anne  
 Tate, Joan C.  
 Vanderlosk, Stanley R.  
 White, John M.

Ahrens, Frederick G.  
 Andrews, Frederick B.  
 Baker, George H., Sr.  
 Bourque, Ann J.  
 Calawa, Leon, Jr.  
 Clemons, Jane A.  
 Cowenhoven, Garret P.  
 Daniels, Gary L.  
 Dodge, Emma M.  
 Drabinowicz, A. Theresa  
 Dyer, Merton S.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Gosselin, Gerald O.  
 Greenglass, Alan B.  
 Hanselman, Gregory L.  
 Holden, Carol H.  
 Jasper, Shawn N.  
 Jordan, Mary H.  
 Kelley, Robert N.  
 L'Heureux, Robert J.  
 Laughlin, J. Francis  
 Lown, Elizabeth D.  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Nardi, Theodora P.  
 Paquette, Rodolphe G.  
 Record, Alice B.  
 Riley, Frances L.  
 Rothhaus, Finlay C.  
 Smith, Leonard A.  
 Stiles, Walter A.  
 Turgeon, Roland M.  
 Wheeler, David K.  
 Wright, George W.

Alukonis, David J.  
 Arnold, Barbara E.  
 Baldizar, Barbara J.  
 Bowers, Dorothy C.  
 Carpenter, Karen A.  
 Cook, Valerie S.  
 Crotty, Edward J.  
 Desrochers, Gerard T.  
 Domaingue, Jacquelyn M.  
 Drolet, Paul L.  
 Elliott, Larry G.  
 Ferlan, Arthur P.  
 Gage, Ruth E.  
 Goulet, Maurice E.  
 Gureckis, Adam C., Sr.  
 Healy, Daniel J.  
 Hultgren, David D.  
 Jean, Romeo W.  
 Keane, Cornelius J.  
 King, Frank P.  
 Lachut, Ervin R.  
 Lawrence, Eva M.  
 Lozeau, DonnaLee M.  
 McCann, Bonnie Lou  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Ouellette, Robert O.  
 Pepino, Leo P.  
 Reidy, Frank J.  
 Robinson, Ellen-Ann  
 Sallada, Roland A.  
 Soucy, Donna M.  
 Tarpley-Bamberger, Nancy L.  
 Upton, Barbara A.  
 Wheeler, Robert L.

### MERRIMACK

Apple, Lowell D.  
 Braiterman, Thea  
 Chandler, John P.  
 Dunn, Miriam D.  
 Fillion, Paul R.

Barberia, Richard A.  
 Carter, Susan D.  
 Christie, Thomas J.  
 Fair, Patricia A.  
 Gross, Caroline L.

Boucher, Laurent J.  
 Chandler, Earle W.  
 Daneault, Gabriel J.  
 Feuerstein, Martin  
 Hall, Douglas E.



Hayes, Robert C.  
Johnson, C. William  
Letourneau, George E.  
Millard, Elizabeth S.  
Smith, Gerald R.  
Teague, Bert  
Weeks, John F., Jr.

Holmes, Mary C.  
Johnson, Joyce M.  
Lewis, Mary Ann  
Molner, Mary E.  
Soldati, Jennifer G.  
Trombly, Rick A.  
Yeaton, Charles B.

Jacobson, Alf E.  
Kidder, William F.  
Lockwood, Robert A.  
Nichols, Avis B.  
Stio, Peter M.  
Wallner, Mary Jane

### ROCKINGHAM

Barnes, John S., Jr.  
Boucher, William P.  
Campbell, Marilyn R.  
Chulack, Peter G., Sr.  
Connell, David R.  
Dowd, Sandra K.  
Dube, LeRoy S.  
Flanders, David A.  
Ford, Bert H.  
Griebsch, Linda  
Hurst, Sharleene P.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
Magoon, Harold F.  
McKinney, Betsy  
Raynowska, Bernard J.  
Rubin, George R.  
Smith, Arthur W.  
Sytek, John J.  
Tufts, Arthur  
Welch, David A.

Bell, Juanita L.  
Brown, Jeffrey M.  
Caswell, Albert, Jr.  
Clark, Martha Fuller  
Conroy, Janet M.  
Dowling, Patricia A.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Gage, Beverly A.  
Hoar, John, Jr.  
Hutchinson, Karen K.  
Katsakiores, Phyllis  
Lovejoy, Virginia K.  
McCarthy, John J., Sr.  
Melnick, Roy E.  
Rosencrantz, James R.  
Schanda, Joseph, Sr.  
Syracusa, Anthony  
Terninko, Margaret B.  
Vaughn, Charles L.  
Weyler, Kenneth L.

Benton, Richardson D.  
Bucu, Stephen W.  
Christie, Andrew, Jr.  
Coffey, John J.  
Cooke, Annette M.  
Drake, Herbert R.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Greene, Elizabeth A.  
Hoelzel, Kathleen M.  
Hynes, Carolyn E.  
Klemarczyk, Thaddeus E.  
MacKinnon, Nancy W.  
McGovern, Cynthia A.  
Packard, Sherman A.  
Roulston, Donald L.  
Skinner, Patricia M.  
Sytek, Donna P.  
Thayer, Leroy C.  
Warburton, Calvin  
Woods, Deborah L.

### STRAFFORD

Bickford, Drucilla  
Douglass, Clyde J.  
Gilmore, Gary R.  
Jankowski, Peter M.  
McCann, William H., Jr.  
O'Brien, John  
Pelley, Janet R.  
Torr, Ralph W.  
Wall, Janet G.

Brown, Julie M.  
Foss, Patricia H.  
Hambrick, Patricia A.  
Keans, Sandra B.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Spencer, Leo J.  
Tsiros, William  
Wheeler, Katherine W.

Corte, Arthur B.  
Frechette, Roland A.  
Hashem, Elaine M.  
Knowles, William V.  
Nehring, William H.  
Parks, Joe B.  
Sullivan, Henry P.  
Vincent, Francis C.  
Young, John B.

### SULLIVAN

Allison, David C.  
Domini, Irene C.  
Krueger, Richard H.  
Peyron, Fredrik  
Schotanus, Merle W.  
and the motion failed.

Behrens, Thomas A.  
Flint, Gordon B.  
Lindblade, Eric N.  
Porter, Robert H.  
Walsh, Robert R.

Burling, Peter Hoe  
Harland, Jane A.  
Middleton, John A.  
Rodeschin, Beverly T.

Rep. Jasper moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Refer for Interim Study, spoke in favor and yielded to questions.

**(Speaker Burns in the Chair)**

Rep. Hayes spoke against and yielded to questions.

Rep. Coffey spoke in favor and yielded to questions.

Reps. Teschner, Douglas Hall and Donna Sytek spoke against.

Reps. Stiles, George Katsakiores and Kurk spoke in favor.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 162**

**NAYS 168**

**YEAS 162  
BELKNAP**

Accornero, Harry  
Holbrook, Robert G.  
Rosen, Ralph J.  
Ziegler, Alice S.

Bartlett, Gordon E.  
Johnson, Carl R.  
Shibley, Arnold P.

Cain, Thomas G.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
Daly, Robert J., Jr.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Jean, Robert R.

Chandler, Gene G.  
Wiggin, Allen R.

**CHESHIRE**

Cole, Kenneth A.  
Kennison, Wayne A.

Cole, Stacey W.  
Laurent, John J.

Feuer, Joseph N.  
Young, David A.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.

Buckley, C. Fitzgerald  
Therault, Romeo J.

Coulombe, Henry W.

**GRAFTON**

Driscoll, William J.  
Markley, J. Keith

Hill, Richard L.  
Nielsen, Niels F., Jr.

Lougee, Richard W.  
Trelfa, Richard T.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Bowers, Dorothy C.  
Carpenter, Karen A.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Gagnon, Eugene L.  
Green, Scott E.  
Hultgren, David D.  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Lawrence, Eva M.

Alukonis, David J.  
Baroody, Benjamin C.  
Buckley, Raymond  
Chasse, Richard D.  
Crotty, Edward J.  
Desrosiers, William J.  
Donovan, Francis X.  
Durham, Susan B.  
Ferland, Arthur P.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Janas, Gregory  
King, Frank P.  
Larochelle, Roger B.  
Lawrence, Norman B.

Andrews, Frederick B.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cote, David E.  
Daniels, Gary L.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Fields, Dennis H.  
Goulet, Maurice E.  
Healy, Walter F.  
Jasper, Shawn N.  
Kurk, Neal M.  
Laughlin, J. Francis  
Mason, Howard F.

McNerney, Daniel P.  
Ouellette, Robert O.  
Rheault, Lillian I.  
Rothhaus, Finlay C.  
Soucy, Donna M.  
Turgeon, Roland M.  
Wheeler, Robert L.

McRae, Karen K.  
Paquette, Rodolphe G.  
Riley, Frances L.  
Sallada, Roland A.  
Steiner, Lee Anne  
Vanderlosk, Stanley R.  
Wright, George W.

Mercer, Robert S.  
Pepino, Leo P.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Wheeler, David K.

#### **MERRIMACK**

Apple, Lowell D.  
Christie, Thomas J.  
Lewis, Mary Ann

Barberia, Richard A.  
Daneault, Gabriel J.  
Stio, Peter M.

Chandler, Earle W.  
Johnson, C. William  
Trombly, Rick A.

#### **ROCKINGHAM**

Barnes, John S., Jr.  
Brown, Jeffrey M.  
Chulack, Peter G., Sr.  
Conroy, Janet M.  
Dowling, Patricia A.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Gage, Beverly A.  
Hurst, Sharleene P.  
Katsakiores, Phyllis  
McCain, William F.  
Melnick, Roy E.  
Roulston, Donald L.  
Thayer, Leroy C.  
Welch, David A.

Benton, Richardson D.  
Bucu, Stephen W.  
Coffey, John J.  
Cooke, Annette M.  
Drake, Herbert R.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Greene, Elizabeth A.  
Hutchinson, Karen K.  
Klemm, Arthur P., Jr.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Rubin, George R.  
Tufts, Arthur  
Weyler, Kenneth L.

Boucher, William P.  
Christie, Andrew, Jr.  
Connell, David R.  
Dowd, Sandra K.  
Dube, LeRoy S.  
Flanders, David A.  
Ford, Bert H.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Magoon, Harold F.  
McKinney, Betsy  
Raynowska, Bernard J.  
Smith, Arthur W.  
Warburton, Calvin

#### **STRAFFORD**

Bickford, Drucilla  
Frechette, Roland A.  
Torr, Ralph W.

Douglass, Clyde J.  
Nehring, William H.

Foss, Patricia H.  
Parks, Joe B.

#### **SULLIVAN**

Domini, Irene C.

Peyron, Fredrik

Rodeschin, Beverly T.

#### **NAYS 168**

#### **BELKNAP**

Campbell, Richard H., Jr.  
Maviglio, Steven R.

Hawkins, Robert S.  
Salatiello, Thomas B.

Joscelyn, William W.  
Vogler, Charles C.

#### **CARROLL**

Beach, Mildred A.

Dickinson, Howard C.

Saunders, Howard N.

#### **CHESHIRE**

Burnham, Daniel M.  
Foster, Katherine D.  
Hunt, John B.  
Lynch, Margaret A.  
Pearson, Gertrude B.  
Riley, William A.

Clark, Eugene W.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Perry, David M.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hogan, James B.  
LaMar, David M.  
Mohr, Frederick C., Jr.  
Pratt, Irene A.

**COOS**

Guay, Lawrence J.  
Marsh, Beaton  
Nelson, Harold D.

Hawkinson, Marie C.  
Mayhew, Josephine  
Oliver, Terry D.

Kilbride, Dennis J.  
Merrill, Gerald P.  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Teschner, Douglass P.

Bean, Pamela B.  
Chambers, Mary P.  
Guest, Robert H.  
McIlwaine, Deborah P.  
Shackett, Ralph E.  
Ward, Kathleen W.

Brown, Channing T.  
Christy, C. Dana  
LaMott, Paul I.  
Nordgren, Sharon L.  
Stewart, Roger D.  
White, Paul R.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baker, George H., Sr.  
Daigle, Robert A.  
Ford, Nancy M.  
Hall, Betty B.  
Holden, Carol H.  
Jordan, Mary H.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Murphy, Robert E.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Tate, Joan C.

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Dyer, Merton S.  
Gage, Ruth E.  
Hanselman, Gregory L.  
Jean, Romeo W.  
Kelley, Robert N.  
Lozeau, Donnalee M.  
McDowell, James E.  
Nardi, Theodora P.  
Record, Alice B.  
Smith, Leonard A.  
Upton, Barbara A.

Asselin, Robert P.  
Clemons, Jane A.  
Ferguson, Charles  
Gureckis, Adam C., Sr.  
Healy, Daniel J.  
Johnson, Lionel W.  
Lachut, Ervin R.  
Martin, Mary Ellen  
Messier, Irene M.  
Packard, Bonnie B.  
Reidy, Frank J.  
Tarpley-Bamberger, Nancy L.  
White, John M.

**MERRIMACK**

Boucher, Laurent J.  
Chandler, John P.  
Feuerstein, Martin  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, Joyce M.  
Lockwood, Robert A.  
Smith, Gerald R.  
Weeks, John F., Jr.

Braiterman, Thea  
Dunn, Miriam D.  
Fillion, Paul R.  
Hall, Douglas E.  
Holmes, Mary C.  
Kidder, William F.  
Molner, Mary E.  
Teague, Bert  
Yeaton, Charles B.

Carter, Susan D.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Jacobson, Alf E.  
Letourneau, George E.  
Nichols, Avis B.  
Wallner, Mary Jane

**ROCKINGHAM**

Bell, Juanita L.  
Clark, Martha Fuller  
Hynes, Carolyn E.  
Lovejoy, Virginia K.  
Rosencrantz, James R.  
Syracusa, Anthony  
Terninko, Margaret B.

Campbell, Marilyn R.  
Griebisch, Linda  
Johnson, Robert A.  
MacKinnon, Nancy W.  
Schanda, Joseph, Sr.  
Sytek, Donna P.  
Vaughn, Charles L.

Caswell, Albert, Jr.  
Hoar, John, Jr.  
Klemarczyk, Thaddeus E.  
McGovern, Cynthia A.  
Skinner, Patricia M.  
Sytek, John J.  
Woods, Deborah L.

**STRAFFORD**

Brown, Julie M.  
Hambrick, Patricia A.  
Keans, Sandra B.

Corte, Arthur B.  
Hashem, Elaine M.  
Knowles, William V.

Gilmore, Gary R.  
Jankowski, Peter M.  
McCann, William H., Jr.



Merrill, Amanda A.  
 Spencer, Leo J.  
 Wall, Janet G.

O'Brien, John  
 Sullivan, Henry P.  
 Wheeler, Katherine W.

Pelley, Janet R.  
 Tsiros, William  
 Young, John B.

#### SULLIVAN

Allison, David C.  
 Flint, Gordon B.  
 Lindblade, Eric N.  
 Schotanus, Merle W.

Behrens, Thomas A.  
 Harland, Jane A.  
 Middleton, John A.  
 Walsh, Robert R.

Burling, Peter Hoe  
 Krueger, Richard H.  
 Porter, Robert H.

and the motion failed.

Rep. Elizabeth Moore notified the Clerk that she wished to be recorded in opposition to the substitute motion.

Report adopted.

#### SPECIAL ORDERS

Without objection, the Chair made the remaining bills on the Regular Calendar Special Orders for Thursday, March 5.

#### RESOLUTION

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet March 5 at 10:00 a.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

**HB 1153-FN-A**, authorizing the division of human services to assess an administrative fine on employers for failing to comply with an assignment order.

**HB 1186-FN**, authorizing the department of fish and game to purchase the Morrill Pond dam and abutting property in the town of Canterbury.

**HB 1376-FN-L**, requiring the department of environmental services to assume 20 percent of eligible costs of the Conway sewer system project and making an appropriation for costs payments.

**HB 1402-FN**, relative to competitive bidding purchases of services from nonprofit organizations by certain state agencies for severely disabled or emotionally disturbed children.

**HB 1468-FN-L**, relative to special education catastrophic aid.

**HB 1226-FN**, to protect the department of transportation against liability in the construction and maintenance of highways and highway bridges.

**HB 1473-FN**, establishing a New Hampshire scenic and cultural byways system.

**HB 1314**, establishing a committee to study the need for a public corporation to finance and operate environmental projects for the benefit of the state and making changes in certain water laws.

#### UNANIMOUS CONSENT

Rep. Burling addressed the House by unanimous consent.

**NOTICE OF RECONSIDERATION**

Having voted with the prevailing side, Rep. Vincent served notice that today, March 4, or some subsequent day as limited by the rules he will move that the House reconsider its action whereby the House passed **HB 689-FN**, relative to implied consent and administrative motor vehicle license suspension.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill number 453-FN shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading referral**

**SB 453-FN**, relative to involuntary commitment procedures. (Health, Human Services and Elderly Affairs)

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolled reports only.

Adopted.

The House recessed at 6:05 p.m.

**RECESS**

Rep. Marsh moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 16

Thursday, March 5, 1992

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O God, You have bound us together in a common life, so that if we would seek Your will, we must also recognize and honor each other. Help us, in the midst of debates, conversations and decisions to speak the truth in love, and work together in mutual respect. Amen.

Rep. Earle Chandler led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Robert Foster, Anderson, Morse, Kinney, Ann Torr, Fenton, Wells, Parr, Palazzo and Donald Messier, the day, illness.

Reps. Caswell, Trombly, Keith, Haettenschwiller, Schmidtchen, Kincaid, DePecol, Champagne, Wadsworth, Skinner, Markley, Annette Cooke, Harland, Kane and Chulack, the day, important business.

Reps. Senter and Hynes, the day, death in the family.

Reps. Simon and Appleby, the day, illness in the family.

### INTRODUCTION OF GUESTS

Trudy Peyron and Alice Hickey, wife and guest of Rep. Peyron.

### SPECIAL ORDERS

**HB 601-FN-A**, establishing a public water access advisory board and a statewide public boat access program and continually appropriating a special fund for the purposes of the program. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. Merle W. Schotanus for Appropriations: This bill establishes a statewide public boat access program, and incorporates the provisions of HB 214-FN-A relative to class III-a limited access roads to public waters. The program is funded by a \$5.00 boat registration fee, effective January 1, 1993. Vote 17-1.

5205L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a public water access advisory board and a statewide public boat access program and continually appropriating a special fund for the purposes of the program and creating a new class of highways for access to public waters.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes the increase in demand for access to public waters for boating and other recreational uses. The purpose of this act is to establish an advisory board to coordinate state agency efforts relative to public access to public waters of the state and to provide for the acquisition, construction, refurbishment, maintenance and operation of new and existing public boat access areas.

2 New Chapter; Access to Public Waters. Amend RSA by inserting after chapter 233 the following new chapter:

CHAPTER 233-A  
ACCESS TO PUBLIC WATERS

233-A:1 Definitions. In this chapter:

I. "Board" means public water access advisory board established under this chapter.

II. "Department" means the fish and game department.

III. "Public access" means legal passage to any of the public waters of the state by way of designated contiguous land owned or controlled by a state agency, assuring that all members of the public shall have access to and use of the public waters for recreational purposes, as defined in RSA 271:20-a, I.

IV. "Public boat access area" means an area adjacent to a public body of water which is owned or controlled by the state, accessible to the public, and has been designated by the fish and game department as a boat launching area under the state-wide public boat access program.

V. "Public bodies of water" means public waters as defined in RSA 271:20 and any impoundment of a stream, lake, pond, or tidal or marine waters of 10 acres or more, or any other body of water owned by the state or by a state agency or department.

233-A:2 Public Water Access Advisory Board.

I. A public water access advisory board is hereby established. This board shall be composed of the following:

- (a) The executive director of the fish and game department or designee.
- (b) The commissioner of the department of resources and economic development, or designee.
- (c) The commissioner of the department of environmental services, or designee.
- (d) The commissioner of the department of transportation or designee.
- (e) The commissioner of the department of safety, or designee.
- (f) The director of the office of state planning or designee.
- (g) Two members of the general public appointed by the governor and council for 3-year staggered terms, with one being designated as the chairperson.
- (h) One senator, from the wildlife and recreation committee, appointed by the president of the senate.
- (i) Two house members from the resources and recreation committee, appointed by the speaker of the house.

II. The duties of the board shall be to:

- (a) Advise and monitor state agency public access efforts including the state-wide public boat access program.
- (b) Coordinate activities of state agency public water access efforts.
- (c) Serve as an advisory committee to the council on resources and development (CORD), alerting CORD to any potential problems which may inhibit state public water access efforts.
- (d) Review agency projects accomplishments at least annually.
- (e) Recommend to the fish and game department, priorities for the siting and development of public boat access areas, based on the demands and needs for different types of public boat access areas and public water bodies giving consideration to any lists provided to the board by any associated groups or interested parties.



III. The board shall meet at least quarterly, but more often if necessary. The members shall serve without compensation, except that legislative members of the committee shall receive mileage at the legislative rate.

#### Public Boat Access Program

233-A:3 New Hampshire Statewide Public Boat Access Program. A program for the development of public water access areas for boating on public bodies of water is established. The goal of the program is the acquisition, construction, refurbishment, maintenance, and operation of new and existing public boat access areas.

233-A:4 Fish and Game Department. The fish and game department shall carry out the statewide public boat access program. The department shall in cooperation with the board:

I. Establish priorities for the siting and development of public boat access areas, based on the demands and needs for different types of public boat access areas and public water bodies, giving consideration to any list provided by the board, any associated groups, or interested parties.

II. Set standards of design and maintenance for public boat access areas and ensure that these standards are met.

III. Coordinate activities of state agencies in the development of boat access to public bodies of water.

233-A:5 Public Boat Access Area Facilities. The facilities to be provided at public boat access areas on water bodies may include, but are not restricted to, boat launching ramps, launching sites where small boats or canoes may be placed in the water, trails leading to the water's edge, rest room facilities, parking, and such other types of facilities and amenities necessary to carry out the statewide public boat access program.

233-A:6 Design of Public Boat Access Areas. The fish and game department shall prepare plans and designs for public boat access areas and related facilities. The plans and designs shall provide for adequate buffer areas.

233-A:7 Acquisition and Retention. The fish and game department, in order to establish and improve public boat access areas, shall acquire and retain lands, easements, and interests or rights in land needed for the statewide public boat access program by donation, gift, purchase or lease, upon terms and conditions that are consistent with state and federal guidelines. All newly acquired, constructed or refurbished service roads included in the statewide public boat access program shall be laid out as limited access facilities under the provisions of RSA 230:45.

233-A:8 Construction of Public Boat Access Areas. The fish and game department shall supervise the construction, refurbishment, or expansion of public boat access areas. This construction may be done by the fish and game department, by other state agencies, or by private construction firms under contract to the fish and game department.

233-A:9 Maintenance and Operation of Public Boat Access Areas. The fish and game department shall provide for the continuing maintenance and operation of public boat access areas, roads, and related facilities, including trash removal and cleanup. Maintenance and operation activities may be done by the fish and game department, by other state agencies, or by private firms or individuals, under contract to the fish and game department, or by arrangement with local municipalities or organizations, as considered advisable by the department. Moneys necessary to de-

fray the costs of such maintenance and operation shall be a charge against the statewide public boat access fund established pursuant to RSA 233-A:13.

233-A:10 Public Boat Access Reports and Hearings. The fish and game department shall, before starting any project in the statewide public boat access program, comply with all state and federal requirements. Public boat access needs that do not meet the criteria for the use of federal funds may be constructed, refurbished or expanded by use of private or donated funds. Upon receipt of such funds, the department shall deposit them in the statewide public boat access fund established pursuant to RSA 233-A:13. The fish and game department shall provide an annual report to the advisory board, the speaker of the house, the senate president and the governor.

233-A:11 Public Water Supply. No public boat access area shall be constructed to any public waters which serve as a municipal water supply without the approval of the department of environmental services.

233-A:12 Liability Limited. The fish and game department or any other political subdivision of the state shall not be liable for damages for bodily injury, personal injury, or water property damage occurring on any public boat access area.

233-A:13 Statewide Public Boat Access Fund Established. There is hereby established a nonlapsing statewide public boat access fund. The \$5 boat registration surcharge collected pursuant to RSA 270-E:5, II(d) and any other public access funds donated to the state shall be placed in this fund. All funds received under this section are continually appropriated to the fish and game department for the purposes of the statewide public boat access program established under this chapter.

233-A:14 Rulemaking. The executive director shall adopt rules, pursuant to RSA 541-A, relative to implementation of the statewide public boat access program.

3 New Subparagraph; Statewide Public Boat Access Fund. Amend RSA 6:12, I by inserting after subparagraph (uu) the following new subparagraph:

(vv) Moneys received under RSA 233-A:13 and RSA 270-E:5, II(d) which shall be credited to the statewide public boat access fund established in RSA 233-A:13.

#### 4 Allocation of Funds.

I. Expansion of the current department public boat access program shall be a charge against the statewide public boat access fund as follows:

	FY 1993
010 Personal services-permanent	\$133,604
020 Current expenses	9,201
050 Personal services-other	40,000
060 Benefits	41,945
070 In-state travel	250
Total	\$225,000

II. Funds allocated for classified personnel positions shall be utilized and positions filled with prior approval of the fiscal committee and when the executive director determines that additional personnel are needed to develop and expand the program. Otherwise, these funds shall be used to carry out the provisions of RSA 233-A, the statewide public boat access program.

5 Positions Authorized. The executive director of the fish and game department is authorized to establish the following classified positions for the statewide public boat access program established in section 2 of this act: one civil engineer III, labor grade 23; one biologist II, labor grade 22; one land agent, labor grade 21; one engineering technician IV, labor grade 18; and one construction foreman, labor grade 15.

6 New Paragraph; Council on Resources and Development. Amend RSA 162-C:2 by inserting after paragraph VII the following new paragraph:

VIII. Provide oversight relative to the statewide public boat access program, work with the public water access advisory board and provide recommendations to the governor and executive council regarding public access.

7 New Subparagraph; Boat Registrations; Public Access Surcharge. Amend RSA 270-E:5, II by inserting after subparagraph (c) the following new subparagraph:

(d) \$5 for each registration specified in paragraph I. The surcharge collected under this subparagraph shall be paid into the statewide public boat access fund established under RSA 233-A:13.

8 New Paragraph; Highways to Public Waters. Amend RSA 229:5 by inserting after paragraph III the following new paragraph:

III-a. Class III-a highways shall consist of new boating access highways from any existing highway to any public water in this state. All class III-a highways shall be limited access facilities as defined in RSA 230:44. Class III-a highways shall be subject to the layout, design, construction, and maintenance provisions of RSA 230:45-47 and all other provisions relative to limited access facilities, except that the executive director of the fish and game department shall have the same authority for class III-a highways that is delegated to the commissioner of the department of transportation for limited access facilities. No access shall be granted to an abutter for any class III-a highway. A class III-a highway may be laid out subject to gates and bars or restricted to the accommodation of persons on foot, or certain vehicles, or both, if federal funds are not used. The executive director of fish and game may petition the governor and council to discontinue any class III-a highway.

9 Reference Change. Amend the introductory paragraph of RSA 229:5 to read as follows:

Highways of the state shall be divided into [6] 7 classes as follows:

10 Reference to New Classification. Amend RSA 229:5, VII to read as follows:

VII. Class VI highways shall consist of all other existing public ways, and shall include all highways discontinued as open highways and made subject to gates and bars, **except as provided in paragraph III-a**, and all highways which have not been maintained and repaired by the town in suitable condition for travel thereon for 5 successive years or more.

11 New Section; Jurisdiction of Class III-a Highways. Amend RSA 230 by inserting after section 44 the following new section:

230:44-a Jurisdiction of Class III-a Highways. For the purposes of this subdivision, the executive director of the fish and game department shall have authority over all class III-a highways.

12 Reference Change. Amend RSA 215-A:7, I to read as follows:

I. No person shall operate a snow traveling vehicle on the traveled portion of any public way classified as a class I, class II, class III, **class III-a**, class IV, class V, or class VI highway, where said highway is maintained for winter use by conventional motor vehicles, except as specifically provided in RSA 215-A:6, IX and X, and in accordance with RSA 215-A:7, II.

13 Reference Change. Amend RSA 215-A:10, I, II to read as follows:

I. A person shall not operate an OHRV on the traveled portions, sidewalks adjacent to a class I, class II [or], class III, **or class III-a** highway or the plowed snowbanks adjacent to said highways.



II. Notwithstanding any provisions of the law to the contrary, a person may operate an OHRV on a class I, class II [or], class III, **or class III-a** highway that is not maintained for winter use by conventional motor vehicles; provided, however, that if a class I, class II [or], class III, **or class III-a** highway is not maintained for winter use by conventional motor vehicles and said highway is opened for an OHRV trail, said highway shall be so posted and conventional motor vehicle traffic prohibited. The commissioner of the department of transportation upon notification to the supervisor of the bureau may open at any time a class I, class II or class III highway which has been closed for conventional motor vehicle use.

14 Reference Change. Amend RSA 231:93 to read as follows:

231:93 When Not Liable. Towns shall not be liable for such damages happening upon class I, class III, **class III-a** or class VI highways, or on state maintained portions of class II highways[, or on highways to public waters laid out by a commission appointed by the governor and council]. Towns shall not be liable for such damages happening upon any class V highway constructed with joint funds unless caused by neglect of the town in the maintenance or repair of such bridge, culvert, sluiceway, or embankments and warning signs or structures which renders it unsuitable for the travel thereon.

15 Reference Change. Amend RSA 236:20 to read as follows:

236:20 Snow Obstruction. Any person who shall put or place or cause to be put or placed any snow or ice upon the surface of the traveled portion of any class I [or], class III, **or class III-a** highway or state maintained portion of any class II highway for any purpose, except to provide a place necessary for crossing, recrossing and traveling upon said highways by sleds, logging or farm equipment, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. The provisions of this section shall not apply where snow or ice is pushed across the traveled surface of said highways for the purpose of snow removal from land adjoining said highways.

16 Reference Change. Amend RSA 236:29 to read as follows:

236:29 Removal of Obstructions. The department of transportation may remove all obstructions in class I, class II [or], class III, **or class III-a** highways, and the highway agent of any city or town may remove all obstructions on any other highway and on town maintained portions of class II highways.

17 Reference Change. Amend RSA 236:56, II to read as follows:

II. It shall be unlawful for any person to operate a motorbike, motorcycle, trailbike, all terrain vehicle, including 4-wheel drive vehicles or other motorized 2 or 3 wheeled trail type vehicles and track type vehicles within or upon highway easements or rights-of-way adjacent to the traveled way of any class I [or], class III, **or class III-a** highway or state maintained portion of any class II highway with the following exceptions:

18 Reference Change. Amend RSA 236:118 to read as follows:

236:118 Location Requirements. At the time and place set for hearing, the local governing body shall hear the applicant and all other persons wishing to be heard on the application for certificate of approval for the location of the junk yard. In passing upon the application, after proof of legal ownership or right to the use of the property by the applicant for the license period, it shall take into account the nature and development of surrounding property, such as the proximity of churches, schools, hospitals, public buildings or other places of public gatherings; and whether or not the use of the proposed location can be reasonably prevented from affecting the public health,



safety, or morals by reason of offensive or unhealthy odors or smoke, or of other causes. In no case may a license be granted for a new junk yard located less than 660 feet from the right-of-way lines of class I, class II [and], class III, **or class III-a** highways or located less than 300 feet from the right-of-way lines of class IV, class V and class VI highways.

19 Reference Change. Amend RSA 265:78 to read as follows:

265:78 Competitive Bicycle or Moped Races. No person shall conduct or participate in any competitive bicycle or moped race on any class I [or], class III, **or class III-a** highway or on the state-maintained part of any class II highway, unless such race is sponsored by a recognized bicycle or moped organization and the sponsor of such race has obtained, prior to such race, the written approval of the commissioner, **the executive director of the fish and game department** and of the police department of each city, town or place in which such race is to be held. The commissioner **and the executive director of the fish and game department** may require insurance, police coverage or other regulations to insure the safety and protection of the public, and the permit may exempt competitors from such requirements of this chapter relative to rules of the road as are not inconsistent with public safety.

20 Repeal. RSA 230:63-71, relative to layout of highways to public waters, are repealed.

21 Effective Date.

I. Sections 1 - 7 of this act shall take effect January 1, 1993.

II. The remainder of this act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill establishes a public water access advisory board and a statewide public boat access program, which is to develop public boat access and recreational access to public waters. The fish and game department is to carry out the program.

The bill establishes a nonlapsing statewide public boat access fund. The \$5 boat registration surcharge collected and any other public access funds donated to the state shall be placed in this fund. All funds are continually appropriated to the fish and game department for the purposes of the statewide public boat access program.

This bill creates a class III-a highway classification. Class III-a highways shall consist of all existing or proposed highways from any existing highway to any public water in this state. All class III-a highways shall be limited access facilities, as defined by RSA 230:44. A class III-a highway may be made subject to gates and bars or restricted to the accommodation of persons on foot, or certain vehicles, or both. Class III-a highways shall be under the jurisdiction of the fish and game department.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1058-FN**, relative to a furlough program for state employees. OUGHT TO PASS.

Rep. Elizabeth Hager for Appropriations: The committee has many questions relative to the potential imposition of a furlough program for state employees. We have decided that the best way to answer many of the questions is to request an opinion from the Supreme Court. We will ask that this bill be laid on the table awaiting that opinion. The resolution requesting the opinion has been worked on by people on both sides of the issue. The committee feels that getting the court opinion will help resolve what can become a very emotional issue. Vote. 20-0.

**LAID ON THE TABLE**

Rep. Hager moved that **HB 1058-FN**, relative to a furlough program for state employees be laid on the table.

Adopted.

Rep. Hager offered the following:

**HOUSE RESOLUTION NO. 61**

requesting an opinion of the justices regarding the  
constitutionality of HB 1058-FN.

Whereas, there is pending in the House of Representatives, House Bill 1058-FN, an act relative to a furlough program for state employees; and

Whereas, HB 1058-FN requires all state employees whose salary is greater than \$15,000 to take unpaid days of leave; and

Whereas, HB 1058-FN prohibits the use of sick leave, annual leave, bonus leave, floating holidays, compensatory time or any other similar benefit in satisfaction of the unpaid leave requirement; and

Whereas, many classified state employees are covered by a collective bargaining agreement between the state of New Hampshire and the employees' certified bargaining representative; and

Whereas, certain questions have arisen concerning the constitutionality of HB 1058-FN; now therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Whether HB 1058-FN affects the terms of the collective bargaining agreement currently in effect between the state and classified state employees and, if so, whether its effect is to violate the contract clause of the United States Constitution, Art. 1, Sec. 10 or the New Hampshire Constitution, Pt. 1, Art. 23?

2. Whether HB 1058-FN affects the terms of appointment currently in effect between the state and unclassified state employees and, if so, whether its effect is to violate the contract clause of the United States Constitution, Art. 1, Sec. 10 or the New Hampshire Constitution, Pt. 1, Art. 23?

3. Whether HB 1058-FN would make a law relative to the terms and conditions of employment of state employees that would supercede a portion of an agreement entered into by the state and classified state employees and, if so, whether it would violate the United States Constitution Art. 1, Sec. 10 or the New Hampshire Constitution, Pt. 1, Art. 23 by establishing an ex post facto law?

4. Whether HB 1058-FN would make a law relative to the terms and conditions of employment of state employees that would affect the terms of the appointment of unclassified state employees and, if so, whether it would violate the United States Constitution Art. 1, Sec. 10 or the New Hampshire Constitution, Pt. 1, Art. 23 by establishing an ex post facto law?

5. Whether HB 1058-FN would make a law relative to the terms and conditions of employment of classified state employees which would supercede the terms of RSA 273-A:5, I(i) or RSA 273-A:11 in such a way as to violate the United States Constitution, Art. 1, Sec. 10 or the New Hampshire Constitution, Pt. 1, Art. 23, by establishing an ex post facto law?

6. Whether HB 1058-FN violates the equal protection clauses of the United States Constitution or the New Hampshire Constitution by applying the provisions of the furlough program only to those employees earning \$15,001 or more?

7. Whether the provisions of HB 1058-FN would violate the equal protection clauses of the United States Constitution or the New Hampshire Constitution by providing that retirement and other benefits would be calculated at the salary level which would have been paid had the furlough provisions not been implemented?

That the clerk of the house of representatives transmit copies of this resolution and copies of HB 1058-FN to the Justices of the New Hampshire Supreme Court.

Adopted.

**HB 1269-FN**, separating the AFDC standard of need from the AFDC payment standards and increasing the AFDC standard of need. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. Douglas E. Hill for Appropriations: This bill establishes a current "standard of need" for the AFDC program. It does not have any budgetary impact. It requires that the standard of need be updated annually, as is done already in the other welfare programs: Old Age Assistance, Aid to the Needy Blind, Aid to Permanently and Totally Disabled. The study to set the standard for AFDC has already been done and paid for. This bill may provide a "soapbox" from which the relative generosity or stinginess of the state could be debated. However, it does not require any change in welfare payments or remove any authority or prerogative over welfare payments or appropriations currently belonging to this legislature. Vote 10-9.

5149L

#### Amendment

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect 120 days after its passage.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1342-A**, relative to the location and establishment of a state veterans' cemetery and making an appropriation therefor. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. Charles L. Vaughn for Appropriations: The Public Protection and Veterans Affairs and Appropriations committees, by mutual consent, recognize the need for a veterans' cemetery committee with stipulated committee membership, for the purpose of locating a suitable 100-acre state veterans' cemetery. The sum of \$1.00 is appropriated for the purpose of this act. Vote 17-1.

5164L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to the location and establishment of a state veterans' cemetery and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Veterans' Cemetery. 1991, 61:1 is repealed and reenacted to read as follows:

61:1 Veterans' Cemetery; Committee Established; Site Selection.

I. There shall be a state veterans' cemetery on the site of the Pease Air Force Base facilities or on other suitable state property, consisting of not less than 100 acres.

II. For the purpose of locating a suitable site, a veterans' cemetery committee is established with the following members:

(a) One senate member, appointed by the senate president.

(b) One member of the house public protection and veterans affairs committee, appointed by the speaker of the house.

(c) The adjutant general or designee.

(d) One member appointed by the governor.

(e) Two members of the state veterans' needs committee.

III. The committee shall hold its initial meeting within 30 days of the effective date of this act. The committee shall elect a chairperson at its first meeting.

IV. The department of resources and economic development and the department of transportation shall carry out the site search and suitability testing on sites selected by the veterans' cemetery committee. The Pease development authority may recommend a suitable site or sites on the former Pease Air Force Base property to the committee.

V. The committee shall report its findings to the senate president and the speaker of the house by November 1, 1992.

2 Appropriation. The sum of \$1 is appropriated to the legislature for the purposes of section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill requires the designation of a suitable site of not less than 100 acres for a state veterans cemetery at Pease Air Force Base facilities or on other suitable state property. A committee is established to make recommendations for a suitable site. An appropriation is made for the purposes of this bill.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1366-FN**, instituting an annual state budget instead of a biennial state budget. **ought to PASS WITH AMENDMENT.**

Rep. Robert E. Murphy for Appropriations: This bill requires the House and Senate to ratify the operating budget for the second year of the legislative session through the passage of a separate bill. The separate bill may also amend the second fiscal year of the budget. Vote 16-4.

5181L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to adopting the state operating budget in the  
second year of the legislative session.



Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Adopting State Operating Budget. Amend RSA 9 by inserting after section 10 the following new section:

9:10-a Adoption of the Budget.

I. The appropriations and related matters for the first fiscal year of the biennium that appear in the general appropriations budget bill shall take effect as provided in the effective date section of the budget.

II. The appropriations and related matters for the second fiscal year of the biennium that appear in the general appropriations budget bill shall take effect as provided in the effective date section of the budget, only upon their ratification by both the house and the senate through the passage of a separate bill which is introduced to make any amendments to the budget and to ratify the budget in the second year session of the legislature.

2 Application. The provisions of this act shall apply beginning with the state operating budget to be presented for the 1993 legislative session of the general court.

3 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill requires the house and the senate to ratify the second year of the state operating budget through the passage of a separate bill. The separate bill which is introduced may also amend the second fiscal year of the budget.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1394-FN-A**, continually appropriating a portion of physicians' license fees to the department of justice. OUGHT TO PASS WITH AMENDMENT.

Rep. Robert G. Holbrook for Appropriations: The amendment brings the intent of the bill into budget language with the designated PAUs for allocating funds from the Board of Medicine to the Department of Justice. Vote 17-0.

5199L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

making supplemental appropriations to the department of justice  
and the department of health and human services.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. It is recognized that the board of registration in medicine needs more legal support if it is to deal effectively with the problems of a legally-complex case load. This bill attempts to meet the present needs of the board by establishing an assistant attorney general position at the department of justice.

2 Assistant Attorney General Position. The department of justice shall hire one full-time assistant attorney general for the primary purpose of gathering information and providing investigative support to the board of registration in medicine.

3 Supplemental Appropriations. In addition to any other sums for the fiscal year ending June 30, 1993, the following appropriations are hereby authorized to the following departments:

02 Admin of justice & public protection

01 Department of justice

## 03 Division of legal council

## 01 Civil law

13 Assistant attorneys general 44,688

20 Current expense 5,000

60 Benefits 12,512

70 In-state travel 1,000

Total 63,200

## Estimated source of funds for criminal justice

09 Agency income I 63,200

Total 63,200

## 05 Health and social services

## 01 Dept of health and hum svcs

## 07 Admin of attached board

## 06 Medicine, board of

## 01 Administration &amp; support

49 Transfers to other state agencies 63,200

Total 63,200

## Estimated source of funds for

## Administration &amp; support

General fund 63,200

Total 63,200

4 Effective Date. This act shall take effect July 1, 1992.

## AMENDED ANALYSIS

This bill makes a supplemental appropriation to the department of health and human services, to be transferred to the department of justice for the purpose of funding an attorney position. The attorney is to work primarily with the board of registration in medicine.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1447-FN**, increasing witness fees for law enforcement officers. OUGHT TO PASS WITH AMENDMENT.

Rep. Channing T. Brown for Appropriations: This bill returns the witness fee for law enforcement officers back to \$30.00 per day. It has been amended to a July 1, 1992 effective date. In effect this bill corrects a large cost transferred to municipalities by prior legislation creating a \$12.00 per half-day allowance. There is no additional appropriation needed for fiscal '93 if passed. Vote 13-4.

5191L

## Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 1992.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1493-A**, relative to the east-west highway study and making an appropriation therefor. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. John P. Chandler for Appropriations: The Appropriations Committee is not convinced that there will be sufficient state highway funds to match the increased federal funding available under the Intermodal Surface Transportation Efficiency Act of 1991. Therefore, priority should be given to projects nearing construction. The committee amendment deletes the funding for expansion of this early study effort, but retains the one-year extension of the completion date to encourage resolution of several outstanding political issues. Vote 20-0.

5172L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to extending the east-west highway study deadline.

Amend the bill by deleting sections 1 and 2 and renumbering sections 3 and 4 to read as 1 and 2 respectively.

#### AMENDED ANALYSIS

This bill extends the east-west highway study deadline.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1301-FN**, setting priorities for the disposal of certain components of the solid waste stream. OUGHT TO PASS WITH AMENDMENT.

Rep. Amanda A. Merrill for Environment and Agriculture: In 1990 the House passed legislation giving high priority to recycling as a solid waste management method (RSA 149-M:1-a). House Bill 1301, as amended, would help ensure that recyclable materials are removed from the wastestream and, in fact, recycled. The Committee is in strong support of the goal of maximum recycling. However, changes in solid waste management practices may or may not involve added expenses for municipalities. For that reason, the Committee would like the opinion of the Supreme Court as to whether House Bill 1301 meets the provisions of Article 28-A of the New Hampshire Constitution. We are asking the House to adopt the Committee amendment to support a resolution seeking the opinion of the Court and to table House Bill 1301. Vote 13-0.

5174L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Solid Waste Stream Components Disposal. Amend RSA 149-M:1-a by inserting after paragraph II the following new paragraph:

II-a. Consistent with the hierarchy set forth in paragraph II, the department shall strive to manage solid waste in a manner that makes optimal use of each component of the solid waste stream.

2 Solid Waste Stream Components Disposal. RSA 149-M:22 is repealed and reenacted to read as follows:

149-M:22 Solid Waste Stream Components Disposal.

I. Consistent with RSA 149-M:1-a, II-a, the department shall restrict or prohibit the disposal of certain components of the solid waste stream when it determines that:

(a) Disposal of the material presents a potential adverse impact to public health, safety or the environment;

(b) A restriction or prohibition will result in the extension of the useful life or capacity of a facility or class of facilities; or

(c) A preferred and feasible alternative exists for handling a given component consistent with the hierarchy set forth in RSA 149-M:1-a, II.

II. No person shall dispose of, compost or incinerate or contract for the disposal or incineration of the following materials except as indicated below. No landfill, composting facility or incinerator shall accept the restricted materials except to permit the layover of such materials on their processing course. The department shall adopt rules under RSA 541-A for each of the categories of materials listed in subparagraphs (a)-(d) below one year prior to each of the disposal prohibition dates, specifying the materials to which the restrictions shall apply. No person shall dispose of, compost or incinerate:

(a) Aluminum containers after January 1, 1994.

(b) Metal or glass containers after January 1, 1994.

(c) Recyclable plastics after January 1, 1995.

(d) Recyclable paper after January 1, 1996.

III. In determining whether to restrict or prohibit the disposal of other materials, the department may consider:

(a) The nature and degree of potential adverse impacts.

(b) The quantities of potentially restricted materials generated.

(c) The availability of reuse and recycling management options for potentially restricted materials.

(d) The economic impact on the facility, class of facilities or generators subject to the restriction.

(e) Such other factors as the department deems relevant to such a determination.

IV. The department may allow a facility or person to temporarily dispose or temporarily contract for the disposal of restricted materials, with prior notification and approval by the department, under the following circumstances:

(a) The material is contaminated or is otherwise not acceptable for reuse or recycling provided that the person who contaminated or rendered the material unfit for reuse or recycling is notified and takes any action necessary to prevent a recurrence of the conditions which contaminated or rendered the material unfit; or

(b) The reuse or recycling operation or end user to which the restricted material is normally sent declines to accept the material or is prohibited from accepting the material as a result of an administrative or judicial order, provided that an alternative reuse or recycling operation or storage facility which will accept the material cannot be found within a reasonable time; or

(c) Significant market changes render reuse or recycling unrealistic as management options for a given material.

This paragraph shall not apply to municipalities organized under RSA 53-A, RSA 53-B, or 1986, 139, if application of the paragraph would cause the municipality to violate or incur penalties under legal obligations existing on the effective date of this paragraph.

3 Effective Date. This act shall take effect 60 days after its passage.

Adopted.



**LAI D ON THE TABLE**

Rep. Amanda Merrill moved that **HB 1301-FN**, setting priorities for the disposal of certain components of the solid waste stream be laid on the table.

Adopted.

Reps. Merrill, Millard, Burnham and Bradley offered the following:

**HOUSE RESOLUTION NO. 60**

requesting an opinion of the justices concerning the  
constitutionality of HB 1301-FN.

Whereas, there is pending in the house, House Bill 1301-FN, "An Act setting priorities for the disposal of certain components of the solid waste stream"; and

Whereas, an amendment has been proposed to HB 1301-FN; and

Whereas, doubt has arisen as to the constitutionality of the provisions of said bill;  
and

Whereas, it is important that the question of the constitutionality of said provisions should be settled in advance of the enactment of HB 1301-FN; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following question of law:

1. Would the prohibition on the disposal, composting or incineration or on contracting for the disposal, composting or incineration of certain recyclable materials beginning January 1, 1994, imposed by RSA 149-M:22 as amended by the proposed amendment, constitute an illegally mandated state program or responsibility under Part I, Article 28-a of the New Hampshire Constitution?

That the clerk of the house of representatives transmit copies of this resolution, **HB 1301-FN**, and the proposed amendment to the justices of the New Hampshire Supreme Court.

Adopted.

**HB 1131**, relative to liability for unauthorized disclosure of confidential telecopy wire communications. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.

Rep. Karen K. McRae for the Majority of Science, Technology and Energy: There were too many issues to be dealt with in the allotted time frame and the Committee reluctantly voted inexpedient. Vote 9-3.

Rep. Beverly T. Rodeschin for the Minority of Science, Technology and Energy: Because there were so many issues to be addressed, the Minority voted for Interim Study.

Rep. Rodeschin moved that the words Refer for Interim Study be substituted for the report of the Committee, Inexpedient to Legislate and spoke in favor.

Rep. Vogler spoke in favor.

Adopted.

Referred for Interim Study.

**HB 1265-FN**, regulating small motor mineral dredging and panning.(A) REFER FOR INTERIM STUDY.

Rep. John P. Chandler for Appropriations: This bill points out the need for certain environmental permitting to be non site-specific. It then raises the question of whether the operator(s) or the equipment should be subject to the permit, which is not resolved. Vote 18-0.

Rep. Dickinson moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Refer for Interim Study and spoke in favor.

Rep. John Chandler spoke in favor.

Adopted.

Rep. Dickinson offered a floor amendment.

5300L

### Floor Amendment

Amend the bill by replacing section 2 with the following:

2 Wetlands Board Use of Certain Fees. Amend RSA 482-A:3, III to read as follows:

III. [Ten dollars of each] **The** filing [fee] **fees** collected pursuant to [paragraph] **paragraphs I, V(c) and XI(h)** [is] **are** appropriated to and shall be expended by the wetlands board for **paying** per diem and expenses of the public members [in], reviewing applications and activities relative to the wetlands of the state[. The remainder of the filing fee shall be expended by the wetlands board for], conducting field investigations and **holding** public hearings. Such fees shall be held by the treasurer in a non-lapsing fund identified as the wetlands board review fund.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill:

(a) Requires any person who engages in a small motor mineral dredging activity to obtain a permit from the wetlands board.

(b) Sets the fee for a mining permit application at \$25 for in-state and \$50 for out-of-state residents, which fees shall be collected and held by the wetlands board for its own use.

(c) Designates panning as a small motor activity not requiring a small motor mineral dredging permit.

(d) Requires any person who has obtained a small motor mining permit or any person who engages in panning to obtain the written permission of the riverbed land-owner on whose property the mining or panning is to be done, unless the property is public land.

(e) Authorizes the wetlands board to adopt rules relative to small motor mineral dredging permits.

(f) Exempts small motor mineral dredging from the mining permit requirements of RSA 12-E.

(g) Appropriates the total amount of certain fees collected by the wetlands board for certain board uses.

Rep. Dickinson spoke in favor and yielded to questions.

Rep. Felch spoke in favor.

Adopted.

Substituted report adopted.

Ordered to third reading.

**HB 1386-FN-A**, establishing a foundation aid formula study committee, authorizing the committee to hire a consultant to study different methods of financing education and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas E. Hall for Appropriations: The amendment reduces the appropriation to \$25,000 and makes the effective date July 1, 1992. The supplemental budget, HB 1025-A, will contain a reduction in an existing appropriation in the Department of Education for \$25,000 so that no net appropriation will be required. Vote 17-0.

5145L

#### **Amendment**

Amend the bill by replacing all after section 3 with the following:

4 Appropriation. The sum of \$25,000 is hereby appropriated to the foundation aid formula study committee for the fiscal year ending June 30, 1993, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1992.

Adopted.

Report adopted.

Ordered to third reading.

### **COMMITTEE REPORTS REGULAR CALENDAR**

**HB 1026**, relative to a companion bill to the supplemental budget. OUGHT TO PASS.

Rep. Elizabeth Hager for Appropriations: This bill establishes a study committee to examine revenue and expenditures of the highway fund. Vote 23-0.

Adopted.

Ordered to third reading.

**HB 1151**, transferring the jurisdiction over the Walker building at New Hampshire hospital from the division of mental health and developmental services to the department of cultural affairs and establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital for certain state offices.(A) OUGHT TO PASS WITH AMENDMENT.

Rep. Elizabeth Hager for Appropriations: The amendment removes the transfer of jurisdiction section of the bill and adds the phrase "as permitted by the amount appropriated to such agencies" to the repair of buildings section. The amendment assures that this study can take place without causing fiscal havoc. Vote 23-0.

5276L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a committee to study the economic feasibility of  
utilizing vacant space at the New Hampshire  
hospital for certain state offices.

Amend the bill by replacing section 6 with the following:

6 Repair of Buildings. Until the study committee has submitted its report and made its recommendations, those agencies responsible for buildings on the grounds of the New Hampshire hospital shall maintain those buildings in as sound condition as permitted by the amount appropriated to such agencies and shall take no action which would prevent or limit their restoration or rehabilitation.

Amend the bill by deleting section 1 and renumbering sections 2-9 to read as 1-8, respectively.

### AMENDED ANALYSIS

This bill establishes a committee to study whether it is economically feasible for state offices currently in rental or state-owned office space to utilize vacant office space at the New Hampshire hospital.

This bill also requires agencies responsible for buildings on the grounds of the New Hampshire hospital to maintain those buildings in as sound condition as permitted by the amount appropriated to such agencies.

This bill also requires the commissioner of the department of cultural affairs to determine whether to accept the offer of the American Institute of Architects, New Hampshire Chapter to conduct a pro bono architectural study of the Walker building.

Adopted.

Report adopted.

Ordered to third reading.

### SUSPENSION OF RULES

Reps. Hager moved that the rules be so far suspended as to permit consideration at the present time of **HB 1254**, relative to public employee labor relations board hearings and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1254**, relative to public employee labor relations board hearings. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. Elizabeth Hager for Appropriations: The committee supports the bill. The amendment adds the \$50,000 needed to fund it. Vote 15-3.

5298L

### Amendment

Amend the bill by replacing section 3 with the following:

3 Positions.

I. A full-time classified position for a hearing officer, labor grade 26, is hereby established.

II. The following sums are appropriated for the fiscal year ending June 30, 1993, and are in addition to other funds appropriated to the public employee labor relations board:

02 Admin. of Justice & Public Prtn.

06 Regulatory Boards & Commission

04 Public Employees Labor Relat'n

01 Public Employees Labor Relation

	FY 93
10 Personal services - permanent	31,960
30 Equipment new/replacement	2,172
50 Personal services - temp/appointed	7,332
60 Benefits	9,509
TOTAL	50,973
Total Estimates Source of Funds	
for Public Employee Labor Relations	
General Fund	50,973
TOTAL	50,973

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.



Adopted.

Report adopted.

Ordered to third reading.

**HCR 30**, relative to the small-issue industrial development bond program. OUGHT TO PASS.

Rep. Peter Hoe Burling for Economic Development: This resolution sends to our New Hampshire congressional delegation an important message that the New Hampshire economy needs as a resource the small-issue industrial development bond program, and requests their active support in promoting and supporting a five-year extension of that program. Unless extended, the program will cease on June 30, 1992. Vote 10-0.

Adopted.

Ordered to third reading.

**HB 1501**, relative to unfunded state mandates. OUGHT TO PASS.

Rep. John S. Barnes, Jr. for Municipal and County Government: The Committee felt that the study committee on unfunded state mandates did a fine job in clarifying the statutory responsibilities of state agencies with respect to Part 1, Article 28A of the New Hampshire constitution. The Committee heard over two and a half hours of testimony, during which it heard thirty two witnesses. All were strongly in favor except for one witness. Also, over five dozen pink cards were turned in, all supporting HB 1501. Many speakers gave specific testimony on how unfunded mandates from state agencies are undermining the economic viability of our communities. It must be noted that few speakers questioned the good intentions of the state mandates, only to how they are going to be funded. Vote 15-0.

Adopted.

Ordered to third reading.

**HB 1415-FN**, allowing businesses to use their logos on business directional signs. REFER FOR INTERIM STUDY.

Rep. Gene G. Chandler for Public Works: House Bill 1415 has been a very difficult and emotional bill with which to deal. The Committee heard a variety of opinions, statement of fact, and presentations of laws and regulations, both federal and state. After trying to sort through the differences, the Committee voted 9-5 Inexpedient to Legislate. Realizing the conflicting testimony, ideas, etc. presented problems with this bill, the Committee reconsidered its original vote and after two tie votes, voted to recommend the bill be sent to Interim Study on a 9-5 vote. Interim Study should and will be able to resolve such issues as, sign sizes, locations, numbers of signs, who shall utilize the signs, etc. etc. The present bill as it is written has the capability of too many unanswered questions which should be honed out in Interim Study.

Rep. Nielsen moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Refer for Interim Study and withdrew his motion.

Referred for Interim Study.

**HB 1025-A**, relative to budget adjustments for fiscal years 1992 and 1993. OUGHT TO PASS WITH AMENDMENT.

Rep. Elizabeth Hager for Appropriations: This bill contains the needed budget adjustments to see us through the biennium. Because of the Senate action which funded certain accounts only to April 1 of this year in the earlier supplemental bill, this bill addresses needs for both this fiscal year and next. The only important change

in the bill since we briefed the House is in Section 21 relative to the revenue stabilization account (the "rainy day fund"). The committee thinks that at this time the account should be calculated at the end of the biennium instead of at the end of each year. This House has consistently been committed to a two-year budget and this amendment allows us to come as close as we can to balancing that budget. Vote 18-2.

5252L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Supplemental Appropriations. In addition to any other sums for the fiscal years ending June 30, 1992, and June 30, 1993, the following appropriations are hereby authorized to the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

	FY 92	FY 93
02 Admin of Justice & Public Prtn		
01 Judicial Branch		
04 District and Municipal Courts		
10 Personal Services - Permanent		27,624
11 Judges		36,000
20 Current Expenses		5,200
30 Equipment		12,512
91 Jury Expense		101,218
Total		182,554
Estimated Source of Funds For		
District and Municipal Courts		
General Fund		182,554
Total		182,554
02 Admin of Justice & Public Prtn		
01 Judicial Branch		
06 Court Security		
10 Personal Services - Permanent		19,446
Total		19,446
Estimated Source of Funds For		
Court Security		
General Fund		19,446
Total		19,446
Total		202,000
Estimated Source of Funds For		
Judicial Branch		
General Fund		202,000
Total		202,000
02 Admin of Justice & Public Prtn		
07 Office of Emergency Management		
01 Emergency Mgt Assistance		
04 Hurricane Bob - FEMA 0917		
90 Public Assistance	G	297,076
Total		297,076

Estimated Source of Funds For  
Hurricane Bob - FEMA 0917

General Fund	297,076
Total	297,076

02 Admin of Justice & Public Prtn

07 Office of Emergency Management

01 Emergency Mgt Assistance

05 Coastal Storm - FEMA 0923

90 Public Assistance	G	144,621
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91 Individual Assistance	G	80,625
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Total	225,246
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Estimated Source of Funds For  
Coastal Storm - FEMA 0923

General Fund	225,246
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Total	225,246
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Total	522,322
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Estimated Source of Funds For  
Office of Emergency Management

General Fund	522,322
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Total	522,322
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02 Admin of Justice & Public Prtn

16 Department of Corrections

03 Division of Adult Services

02 Bureau of Security

01 Security

18 Overtime	93,366	150,000
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60 Benefits	9,903	15,000
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92 Inmate Wages	30,000	100,000
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Total	133,269	265,000
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Estimated Source of Funds For  
Security

General Fund	133,269	265,000
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Total	133,269	265,000
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02 Admin of Justice & Public Prtn

16 Department of Corrections

03 Division of Adult Services

06 Bureau of Health Services

03 Medical Dental

45 Personal Services/Non Benefit	0	405,000
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93 Outside Medical Services	1,092,857	838,000
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Total	1,092,857	1,243,000
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Estimated Source of Funds For  
Medical Dental

General Fund	1,092,857	1,243,000
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Total	1,092,857	1,243,000
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## 02 Admin of Justice &amp; Public Prtn

## 16 Department of Corrections

## 03 Division of Adult Services

## 09 Pharmacy

10 Personal Services - Permanent \*

99,813

50 Personal Services - Temporary

14,625

60 Benefits

32,042

\* The Following Positions are Established

Effective July 1,

1992: 1 Administrator II, 1 Pharmacist I,

2 Pharmacy Clerks.

Total

146,480

Estimated Source of Funds For

Pharmacy

General Fund

146,480

Total

146,480

## 02 Admin of Justice &amp; Public Prtn

## 16 Department of Corrections

## 05 Division of Med-Forensic Svs

## 01 Secure Psychiatric Unit

45 Personal Services/Non Benefit

21,000

46 Consultants

59,000

93 Outside Medical Services

33,000

Total

113,000

Estimated Source of Funds For

Secure Psychiatric Unit

General Fund

113,000

Total

113,000

## 02 Admin of Justice &amp; Public Prtn

## 16 Department of Corrections

## 06 NH State Prison For Women

## 01 Prison For Women

93 Outside Medical Services

197,000

Total

197,000

Estimated Source of Funds For

Prison For Women

General Fund

197,000

Total

197,000

Total

1,226,126

1,964,480

Estimated Source of Funds For

Department of Corrections

General Fund

1,226,126

1,964,480

Total

1,226,126

1,964,480

Total

1,748,448

2,166,480



## Estimated Source of Funds For

## Category 02

## General Fund

1,748,448 2,166,480

## Total

1,748,448 2,166,480

## 05 Health and Social Services

## 01 Dept of Health and Human Svcs

## 02 Div of Public Health Services

## 03 Disease Prevention &amp; Control

## 03 Public Health Laboratories

## 98 Testing For Drugged Driving

240,000

## Total

240,000

## Estimated Source of Funds For

## Public Health Laboratories

## 02 Highway Funds

240,000

## Total

240,000

## 05 Health and Social Services

## 01 Dept of Health and Human Svcs

## 02 Div of Public Health Services

## 04 Family and Community Health

## 01 Maternal and Child Health

## 94 Child Dental Health Program \*

120,000

\* This Funding is to Restore Preventive Child Health Dental Hygiene Services to Rural Areas Where Such Services are Lacking. Services Shall Be Targeted to Children Ages 3 To 6 Years From Low Income Families Enrolled In Well - Child Clinics. Preventive Services Include Examination, Cleaning, Topical Fluoride Application, Two Bite Wing X-Rays, Home Care Instruction, and Referral For Treatment But Not the Treatment Itself. Compliance With The Dental Practices Act Will be the Responsibility of Each Local Clinic Provided a Portion of These Funds.

## Total

120,000

## Estimated Source of Funds For

## Maternal and Child Health

## General Fund

120,000

## Total

120,000

## Total

360,000

## Estimated Source of Funds For

## Div of Public Health Services

## General Fund

120,000

## Other Funds

240,000

## Total

360,000

## 05 Health and Social Services

## 01 Dept of Health and Human Svcs

## 03 Div For Children &amp; Youth Svcs

## 02 Bureau of Children

## 04 C&amp;Y Title IVE Grants

41 Audit Fund Set Aside	488	843
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90 Foster Care	977,700	<u>1,686,666</u>
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Total	978,188	1,687,509
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## Estimated Source of Funds For

## C&amp;Y Title IVE Grants

00 Federal Funds	489,338	844,176
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05 County Funds	122,213	210,833
-----------------	---------	---------

General Fund	366,637	632,500
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Total	978,188	1,687,509
-------	---------	-----------

## 05 Health and Social Services

## 01 Dept of Health and Human Svcs

## 03 Div For Children &amp; Youth Svcs

## 02 Bureau of Children

## 07 DCYS - Settlement

90 DCYS Settlement	1,141,209	<u>4,490,000</u>
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Total	1,141,209	4,490,000
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## Estimated Source of Funds For

## DCYS - Settlement

05 County Funds	285,302	1,122,500
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General Fund	855,907	3,367,500
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Total	1,141,209	4,490,000
-------	-----------	-----------

Total	2,119,397	6,177,509
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## Estimated Source of Funds For

## Div of Children and Youth Services

Federal Funds	489,338	844,176
---------------	---------	---------

General Fund	1,222,544	4,000,000
--------------	-----------	-----------

Other Funds	407,515	1,333,333
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Total	2,119,397	6,177,509
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## 05 Health and Social Services

## 01 Dept of Health and Human Svcs

## 04 Division of Human Services

## 01 Directors Office

## 01 Administration

41 Audit Fund Set Aside	56	103
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20 Current Expense	111,111	<u>200,000</u>
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Total	111,167	200,103
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## Estimated Source of Funds For

## Administration

00 Federal Funds	57,633	103,743
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General Fund	53,534	96,360
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Total	111,167	200,103
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## 05 Health and Social Services

## 01 Dept of Health and Human Svcs

## 04 Division of Human Services

## 04 Financial Grants

## 01 Aid to Families W/ Dependents

41 Audit Fund Set Aside	2,649	6,169
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90 AFDC	5,298,676	12,338,036
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Total	5,301,325	12,344,205
-------	-----------	------------

Estimated Source of Funds For

Aid to Families W/ Dependents

00 Federal Funds	2,651,987	6,175,187
------------------	-----------	-----------

09 Agency Income	141,081	185,124
------------------	---------	---------

General Fund	2,508,257	5,983,894
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Total	5,301,325	12,344,205
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## 05 Health and Social Services

## 01 Dept of Health and Human Svcs

## 04 Division of Human Services

## 04 Financial Grants

## 05 Medical Grants

41 Audit Fund Set Aside	9,170	19,183
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90 Provider Payments	18,341,430	38,366,685
----------------------	------------	------------

TOTAL	18,350,600	38,385,868
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Estimated Source of Funds For

Medical Grants

00 Federal Funds	9,179,886	19,202,526
------------------	-----------	------------

General Fund	9,170,714	19,183,342
--------------	-----------	------------

Total	18,350,600	38,385,868
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## 05 Health and Social Services

## 01 Dept of Health and Human Svcs

## 04 Division of Human Services

## 04 Financial Grants

## 06 Nursing Services

41 Audit Fund Set Aside	10,434	11,050
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90 Nursing Services	18,735,299	18,025,034
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91 Home Nursing Services	2,132,677	4,075,248
--------------------------	-----------	-----------

Total	20,878,410	22,111,332
-------	------------	------------

Estimated Source of Funds For

Nursing Services

00 Federal Funds	10,444,422	11,061,191
------------------	------------	------------

05 County Funds	5,334,569	5,542,698
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General Fund	5,099,419	5,507,443
--------------	-----------	-----------

Total	20,878,410	22,111,332
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## 05 Health and Social Services

## 01 Dept of Health and Human Svcs

## 04 Division of Human Services

## 04 Financial Grants

## 07 Other Nursing Homes

41 Audit Fund Set Aside	498	215
90 Other Nursing Homes	996,734	430,000
Total	997,232	430,215
Estimated Source of Funds For		
Other Nursing Homes		
00 Federal Funds	498,865	215,215
General Fund	498,367	215,000
Total	997,232	430,215
Total	45,638,734	73,471,723
Estimated Source of Funds For		
Div of Human Services		
Federal Funds	22,832,794	36,757,862
General Fund	17,330,291	30,986,039
Other Funds	5,475,650	5,727,822
Total	45,638,734	73,471,723
Total	47,758,131	80,009,232
Estimated Source of Funds For		
Dept of Health and Human Svcs		
Federal Funds	23,322,132	37,602,038
General Fund	18,552,834	35,106,039
Other Funds	5,883,165	7,301,155
Total	47,758,131	80,009,232
Total	47,758,131	80,009,232
Estimated Source of Funds For		
Category 05		
Federal Funds	23,322,132	37,602,038
General Fund	18,552,834	35,106,039
Other Funds	5,883,165	7,301,155
Total	47,758,131	80,009,232
Total Appropriations as Included in	49,506,579	82,175,712
Category 02 and Category 05		
Estimated Source of Funds For		
Category 02 and Category 05		
Federal Funds	23,322,132	37,602,038
General Fund	20,301,282	37,272,519
Other Funds	5,883,165	7,301,155
Total	49,506,579	82,175,712

2 State Treasury; Sources of Funds for Administration. Amend the following state treasury PAU's as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
01, 08, 01		
Strike out:		
01 Other agency funds	60,000	60,000
Insert in place thereof:		
01 Other agency funds	60,000	70,605
Strike out:		
General fund	691,404	709,053



Insert in place thereof:		
General fund	691,404	698,448
01, 08, 02		
Strike out:		
10 Personal services - permanent	89,907	92,966
Insert in place thereof:		
10 Personal services - permanent	89,907	93,042
Insert new class line:		
49 Transfers to other state agencies	-0-	10,605
Strike out:		
60 Benefits	26,972	27,890
Insert in place thereof:		
60 Benefits	26,972	27,913
Strike out:		
Total	236,279	240,256
Insert in place thereof:		
Total	236,279	250,960
Strike out:		
07 Agency income	236,279	240,256
Insert in place thereof:		
07 Agency income	236,279	250,960
3 Treasury Positions. Upon the effective date of this act, position number 11597 in PAU 01, 08, 02 within the state treasury shall be abolished and the position of claims processor II, SG 11 shall be established.		
4 Redistribution of Judicial Branch Funds. Amend the following judicial branch PAU's as inserted by 1991, 312:1 as follows:		
	FY 92	FY 93
02, 01, 01		
Strike out:		
70 In-state travel	35,080	35,080
Insert in place thereof:		
70 In-state travel	37,080	37,080
Strike out:		
Total	3,460,994	3,492,044
Strike out		
General fund	3,460,994	3,492,044
Insert in place thereof:		
General fund	3,462,994	3,494,044
02, 01, 02		
Strike out:		
24 Maintenance other than buildings & grounds	172,107	179,607
Insert in place thereof:		
24 Maintenance other than buildings & grounds	162,107	169,607
Strike out:		
70 In-state travel	199,000	199,000
Insert in place thereof:		
70 In-state travel	249,000	249,000

Strike out:		
91 Transcribing services	30,000	30,000
Insert in place thereof:		
91 Transcribing services	43,000	45,000
Strike out:		
93 Guardian ad litem	200,000	200,000
Insert in place thereof:		
93 Guardian ad litem	384,000	200,000
Strike out:		
98 Jury fees and expenses	1,305,650	1,305,650
Insert in place thereof:		
98 Jury fees and expenses	1,208,650	1,295,650
Strike out:		
Total	14,131,989	14,126,450
Insert in place thereof:		
Total	14,271,989	14,171,450
Strike out:		
General fund	12,822,888	12,817,349
Insert in place thereof:		
General fund	12,962,888	12,862,349
02, 01, 03		
Strike out:		
24 Maintenance other than buildings and grounds	42,748	60,248
Insert in place thereof:		
24 Maintenance other than buildings and grounds	22,748	40,248
Strike out:		
70 In-state travel	3,300	3,300
Insert in place thereof:		
70 In-state travel	6,300	6,300
Strike out:		
97 Tpr. guardianship	200,000	200,000
Insert in place thereof:		
97 Tpr. guardianship	245,000	200,000
Strike out:		
Total	2,733,921	2,777,593
Insert in place thereof:		
Total	2,761,921	2,760,593
Strike out:		
General fund	2,688,745	2,719,517
Insert in place thereof:		
General fund	2,716,745	2,702,517
02, 01, 04		
Strike out:		
24 Maintenance other than buildings and grounds	168,639	218,639

Insert in place thereof:

24 Maintenance other than buildings and grounds	133,639	183,639
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Strike out:

70 In-state travel	21,806	21,806
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Insert in place thereof:

70 In-state travel	36,806	36,806
--------------------	--------	--------

Strike out:

Total	11,377,920	11,012,380
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Insert in place thereof:

Total	11,357,920	10,992,380
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Strike out:

General fund	9,914,976	9,561,794
--------------	-----------	-----------

Insert in place thereof:

General fund	9,894,976	9,541,794
--------------	-----------	-----------

02, 01, 06

Strike out:

92 Sheriff reimbursement	1,039,502	1,039,502
--------------------------	-----------	-----------

Insert in place thereof:

92 Sheriff reimbursement	889,502	1,029,502
--------------------------	---------	-----------

Strike out:

Total	1,777,902	1,795,613
-------	-----------	-----------

Insert in place thereof:

Total	1,627,902	1,785,613
-------	-----------	-----------

Strike out:

General fund	1,777,902	1,795,613
--------------	-----------	-----------

Insert in place thereof:

General fund	1,627,902	1,785,613
--------------	-----------	-----------

5 Funds Lapsed and Transferred. Amend the following PAU's as inserted by 1991, 312:1 as follows:

I. By inserting footnote G in class 30 of the following judicial branch PAU's:

(a) 02, 01, 01.

(b) 02, 01, 02.

(c) 02, 01, 03.

(d) 02, 01, 04.

(e) 02, 01, 06.

II. By inserting footnote D in class 93 of the following department of corrections PAU's:

(a) 02, 16, 03, 06, 03.

(b) 02, 16, 05, 01.

(c) 02, 16, 06, 01.

6 Supplemental Appropriation; Department of Justice. Amend PAU 02, 04, 01, 01 as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
Insert		
93 Litigation expense *	\$85,000	\$250,000

\* This appropriation shall be used for the purposes of RSA 7:12 and shall not be transferred or expended for any other purpose.

Strike out:

Total	1,254,334	1,928,152
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Insert in place thereof:

Total	1,339,334	2,178,152
-------	-----------	-----------

Strike out:

General fund	1,254,334	1,928,152
--------------	-----------	-----------

Insert in place thereof:

General fund	1,339,334	2,178,152
--------------	-----------	-----------

7 Pari-Mutuel Commission; Sources of Funds for Administration. Amend the following pari-mutuel commission PAU as inserted by 1991, 312:1 as follows:

FY 92

FY 93

02, 08, 02

Strike out:

Estimated Source of Funds For  
Racing Laboratory

General Fund	390,550	400,111
--------------	---------	---------

Total	390,550	400,111
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Total	1,705,448	1,715,009
-------	-----------	-----------

Estimated Source of Funds For  
Pari-Mutuel Commission

General Fund	1,705,448	1,715,009
--------------	-----------	-----------

Total	1,705,448	1,715,009
-------	-----------	-----------

Insert in place thereof:

Estimated Source of Funds For  
Racing Laboratory

09 Agency Income *	390,550	400,111
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Total	390,550	400,111
-------	---------	---------

\* Expenses of the racing laboratory beginning July 1, 1992, shall be reimbursed to the state on a pro rata share based on the number of samples analyzed for each licensee on a monthly basis. Payments shall be made within 10 calendar days after receipt of a billing from the pari-mutuel commission.

Total	1,705,448	1,715,009
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Estimated Source of Funds For  
Pari-Mutuel Commission

General Fund	1,705,448	1,314,898
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Other Funds		400,111
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Total	1,705,448	1,715,009
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8 Redistribution of Federal Funds; AFDC; Department of Health and Human Services. Amend PAU 05, 01, 04, 04, 01 as inserted by 1991, 312:1 as follows:

FY 92

FY 93

Strike out:

91 Emergency Assistance Program F	800,000	0
-----------------------------------	---------	---

Insert in place thereof:

91 Emergency Assistance Program	800,000	800,000
---------------------------------	---------	---------

Strike out:

00 Federal Funds	25,132,408	25,238,684
------------------	------------	------------

09 Agency Income	2,187,931	2,187,931
------------------	-----------	-----------



General Fund	22,919,369	23,025,539
Total	50,239,708	50,452,154
Insert in place thereof:		
00 Federal Funds	25,132,408	25,638,684
09 Agency Income	2,187,931	2,187,931
General Fund	22,919,369	23,425,539
Total	50,239,708	51,252,154

9 Footnote Changed; Fish and Game Department. Amend 1991, 312:1.03, 01, 02, 02, 01 as follows:

Strike out:

98 Habitat improvement G	23,000	23,000
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Insert in place thereof:

98 Habitat improvement **	23,000	23,000
---------------------------	--------	--------

\*\*Revenue from the sale of timber in excess of \$23,000 shall be added to class 98, with prior approval of the fiscal committee and is hereby appropriated and shall not be transferred or expended for any other purpose. Any shortfall in this estimated revenue shall be a charge against the fish and game fund. The balance of said appropriation shall not lapse but shall be carried forward to the subsequent year.

10 Forest Protection Bureau; Fire Control. Amend PAU 03, 03, 03, 02, 01 as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
Strike out:		
51 Personal services-fire tower D	227,199	224,999
Insert in place thereof:		
51 Personal services-fire tower *	265,199	224,999

\* This appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1993.

Strike out:

Total	852,357	852,400
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Insert in place thereof:

Total	890,357	852,400
-------	---------	---------

Strike out:

General fund	792,357	792,400
--------------	---------	---------

Insert in place thereof:

General fund	830,357	792,400
--------------	---------	---------

11 Footnote Deleted; Water Supply Program. Amend PAU 03, 04, 03, 04, 03 as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
Strike out:		
09 Agency Income I	356,962	370,133
Insert in place thereof		
09 Agency Income	356,962	370,133

12 Position Transfer. The position of state house complex health services coordinator under 1991, 312:1.05, 01, 02, 01, 01 of the department of health and human services, division of public health services is hereby transferred to 1991, 312:1.01, 02, 01, 03, 01 of the legislative branch.

13 Health Services Position Deleted. Amend PAU 05, 01, 02, 01, 01 as follows:

Strike out:

10 Personal services - permanent	250,371	254,539
----------------------------------	---------	---------

Insert in place thereof:

10 Personal services - permanent	222,069	226,237
----------------------------------	---------	---------

Strike out:

60 Benefits	95,848	97,099
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Insert in place thereof:

60 Benefits	87,640	88,891
-------------	--------	--------

14 Health Services Position Inserted. Amend PAU 01, 02, 01, 03, 01 as follows:

Strike out:

10 Personal services - permanent	181,371	186,170
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Insert in place thereof:

10 Personal services - permanent	209,673	214,472
----------------------------------	---------	---------

Strike out:

60 Benefits	57,276	58,863
-------------	--------	--------

Insert in place thereof:

60 Benefits	65,484	67,071
-------------	--------	--------

(The position of state house complex health services coordinator, its incumbent and all funds associated with the position are hereby transferred to and vested in the legislative facilities committee.)

15 Health Services Change From Department of Health and Human Services to Legislative Facilities Committee. Amend RSA 125:13-a to read as follows:

125:13-a First-Aid Room. The [department of health and human services, division of public health services,] **legislative facilities committee** shall equip and maintain a first-aid room in such location in the state house as may be assigned for such purpose [by the governor and council]. Said room shall be staffed by a nurse employed by the [division of public health services] **legislative facilities committee**, and said room shall be kept open at all times when the state house is open for business. The expense of the first-aid room shall be a charge upon the [funds of the division of public health services] **joint expenses appropriation to the general court. The division of public health services shall provide back-up.**

16 Transfer from General Fund to Federal Funds; Bureau of Children; Department of Health and Human Services. Amend 1991, 312:1.05, 01, 03, 02, 01, fiscal year 1993 as follows:

Strike out:	FY 93
00 Federal Funds	4,792,600
General Fund	3,730,899
Total	8,523,499

Insert in place thereof:

00 Federal Funds	4,842,600
General Fund	3,680,899
Total	8,523,499

17 Department of Education; Office of the Commissioner. Amend PAU 06, 03, 01, 01, 01 as inserted by 1991, 312:1 as follows:

I. By inserting in class 93, footnote F.

II. By amending class 91 footnote \*\*\* to read as follows:

\*\*\* THIS APPROPRIATION SHALL ONLY BE USED FOR THE CONTINUATION IN FY 1992 OF STATEWIDE TESTING AT GRADES 4, 8, AND 10 USING THE CURRENTLY ADMINISTERED CAT TEST. ANY FUNDS REMAINING IN CLASS 91 ON OR AFTER JANUARY 15, 1992, SHALL BE TRANSFERRED TO PAU 06-03-01-01-01, CLASS 93.

18 Department of Education; Fair Hearings Unit. Amend PAU 06, 03, 01, 03, 02 as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
Insert:		
30 Equipment New/Replacement	10,013	0
Insert:		
91 Depositions	4,000	0
Strike Out:		
Total	149,645	155,895
Insert in place thereof:		
Total	163,658	155,895
Strike out:		
General Fund	149,645	155,895
Insert in place thereof:		
General Fund	163,658	155,895

19 Department of Education.; Special Education. Amend PAU 06, 03, 03, 06, 01 as inserted by 1991, 312:1 as follows:

Strike out:		
92 Catastrophic cost	8,000,000	8,000,000
Insert in place thereof:		
92 Catastrophic cost	7,960,987	8,000,000
Strike out:		
Total	8,782,278	8,785,526
Insert in place thereof:		
Total	8,743,265	8,785,526
Strike out:		
General fund	8,782,278	8,785,526
Insert in place thereof:		
General fund	8,743,265	8,785,526

20 Borrowing Money. Amend RSA 6:13, II to read as follows:

II. Unless otherwise provided by the governor and council, the treasurer shall have the authority to borrow at one time, or from time to time, up to the aggregate amount authorized by the governor and council under this section, and to determine the amounts, dates, maturities, and other details of each borrowing[, provided that each such indebtedness shall be repaid from revenues within one year].

21 Revenue Stabilization Reserve Account; Reference Point Changed to Biennium. Amend RSA 9:13-e to read as follows:

9:13-e Revenue Stabilization Reserve Account.

I. Notwithstanding the definition of "budget" in RSA 9:1, for purposes of this section the term "budget" means the operating budget in effect for the appropriate fiscal [year] **biennium**.

II. There is hereby established within the general fund general ledger a revenue stabilization reserve account. At the close of each fiscal [year] **biennium**, any surplus, as determined by the official audit performed pursuant to RSA 21-I:8, I(h) shall be transferred by the comptroller to a special nonlapsing revenue stabilization reserve account. The comptroller is hereby directed to establish said revenue stabilization reserve account in which to deposit all money received from any general fund operating budget surplus. The state treasurer shall invest funds in this account as authorized

by RSA 6:8. The interest so earned shall be deposited as unrestricted general fund revenue.

III. In the event of a general fund operating budget deficit at the close of any fiscal [year] **biennium** as determined by the official audit performed pursuant to RSA 21:1:8, I(h), the comptroller shall notify the fiscal committee and the governor of such deficit and request that sufficient funds, to the extent available, be transferred from the revenue stabilization reserve account to eliminate such deficit. Such transfer may be made only when both of the following conditions have been met:

(a) A general fund operating budget deficit occurred for the most recently completed fiscal [year] **biennium**; and

(b) Unrestricted general fund revenues in the most recently completed fiscal [year] **biennium** were less than the budget forecast.

The amount of said transfer shall not exceed a sum equal to the lower of the amount of the deficit in subparagraph (a) or the revenue shortfall in subparagraph (b). Upon receipt of approval from both the fiscal committee and the governor, the comptroller shall immediately transfer the sums so approved to the general fund surplus account.

IV. No available balance in the revenue stabilization reserve account shall be utilized for any purpose other than those authorized by paragraphs II and III, without the specific approval of 2/3 of each house of the general court and the governor.

V. If, after the requirements of paragraphs II-IV have been met and the balance remaining in the revenue stabilization reserve account is in excess of an amount equal to 5 percent of the actual general fund unrestricted revenues for the most recently completed fiscal year, then such excess shall be transferred, without further action, to the general fund surplus account.

22 Appropriation; Pease Development Authority. A sum not to exceed \$2,800,000 is appropriated to the Pease development authority for its operating budget for the fiscal year ending June 30, 1993, upon the approval of such operating budget by the governor and council, the board of directors of the Pease development authority, and the fiscal committee.

23 Pease Bonds Authorized. To provide funds for the appropriation made in section 22 of this act, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$2,800,000 and for said purpose may issue general obligation bonds or notes in the name and on behalf of the state of New Hampshire in accordance with RSA 12-G:27, III. The payments of principal and interest of the bonds and notes shall be made when due from available funds of the authority in accordance with RSA 12-G:27, III.

24 Pease Appropriation to Lapse. Amend 1991, 355:110 to read as follows:

355:110 Appropriation; Pease Development Authority. A sum not to exceed \$2,800,000 is appropriated to the Pease development authority for its operating budget for the fiscal year ending June 30, 1992, upon the approval of such operating budget by the governor and council, the board of directors of the Pease development authority, and the fiscal committee. **This appropriation shall lapse on June 30, 1993.**

25 Division of Mental Health and Developmental Services; Community Residences. Other provisions of law notwithstanding, for the fiscal year ending June 30, 1992, the division of mental health and developmental services, is hereby authorized to utilize in PAU 05-01-05-03-03 community residences, with fiscal committee and governor and council approval, up to \$1,700,000 in federal revenue earned in excess



of \$4,000,000 for services provided to residents of the intermediate care facility and in excess of \$10,400,000 for services provided to residents of the acute psychiatric facility.

26 National Guard Scholarship Fund. Notwithstanding the provisions of RSA 110-B:60 and 110-B:61, the amount of \$42,000 from the national guard scholarship fund shall lapse to the general fund on June 30, 1992.

27 Veterans' Home. Notwithstanding any other provision of law, if actual revenue received from funding sources is less than the amount estimated for PAU's 05, 02, 01 and 05, 02, 02, the total appropriation for the veterans' home shall not be reduced and shall be available for expenditure as budgeted.

28 Department of Education; Vocational Education-State. Position number 30382 funded in fiscal years 1992 and 1993 by PAU 06, 03, 03, 05, 01 shall be exempt from any executive order of the governor relating to vacant positions and the 90-day drag on vacant positions by the fiscal committee beginning in October, 1991. Any funds transferred from PAU 06, 03, 03, 05, 01 to the department of administrative services as a result of positions made vacant under executive order of the governor or the 90-day drag in fiscal years 1992 and 1993 shall be restored to PAU 06, 03, 03, 05, 01 as those positions are filled after the effective date of this act.

29 Division of Human Services; Support Enforcement Positions. The positions funded in fiscal years 1992 and 1993 by PAU 05, 01, 04, 02, 03 shall be exempt from the provisions of 1991, 355:124 relative to vacant positions. Any funds transferred from PAU 05, 01, 04, 02, 03 to the department of administrative services as a result of positions made vacant under 1991, 355:124 in fiscal years 1992 and 1993 shall be restored to PAU 05, 01, 04, 02, 03 as those positions are filled after the effective date of this act.

30 Department of Health and Human Services; Office of the Commissioner. The position number 12341 funded in fiscal years 1992 and 1993 by PAU 05, 01, 01, 02, 01 shall be exempt from the provisions of 1991, 355:124 relative to vacant positions. Any funds transferred from PAU 05, 01, 01, 02, 01 to the department of administrative services as a result of positions made vacant under 1991, 355:124 in fiscal years 1992 and 1993 shall be restored to PAU 05, 01, 04, 02, 03 as those positions are filled after the effective date of this act.

31 Transfer from Department of Education to Division of Mental Health and Developmental Services. At the close of business on the last day of the month of the effective date of this act, all funds and positions, including position numbers 19179, 19180, 19181, 19182, 19183, and incumbents, within PAU 06-03-03-06-05 (infant and toddler program) within the department of education for fiscal years 1992 and 1993, which have not been expended, shall be transferred to new PAU 05-01-05-03-09 (infant and toddler program) within the department of health and human services, division of mental health and developmental services, in order to carry out the provisions of Executive Order 91-7. Existing encumbrances and obligations established under the department of education's internal accounting control system within PAU 06-03-03-06-05 shall also be transferred to the division of mental health and developmental services, PAU 05-01-05-03-09, as encumbrances.

32 Budget Reductions Not Affected. Any budget reductions made by state agencies and departments affecting 1991, 312 shall not be affected by the provisions of this act.

33 Lapse Dates Extended. The following appropriations are hereby extended to June 30, 1993:

I. The appropriation made to the department of transportation in 1988, 152:1 as amended by 1991, 351:27, II(i) for the additional hangar facilities at Skyhaven airport.

II. The appropriations made to the aeronautics commission in 1981, 565:1, II as amended by 1983, 423:17, 1986, 211:18, 1989, 367:27, II(j) and 1991, 351:27, II(j) for the Skyhaven airport and the Skyhaven audit fund.

III. The appropriation made to the aeronautics commission in 1979, 435:1, III, E as amended by 1983, 423:16, 1986, 211:14 and 1991, 351:27, II(k) for the Skyhaven airport.

IV. The appropriations made to the department of transportation in 1989, 367:1, XII, A, 1, 3 and 4 as amended by 1991, 351:27, II(l) for aeronautics projects.

34 Effective Date. This act shall take effect upon its passage.

Adopted.

Rep. Kurk offered a floor amendment.

5264L

### Floor Amendment

Amend section 1 of the bill by deleting PAU 05, 01, 02, 04, 01.

Amend the bill by replacing section 10 with the following:

10 Forest Protection Bureau; Fire Control. Amend PAU 03, 03, 03, 02, 01 as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
Strike out:		
51 Personal services-fire tower D	227,199	224,999
Insert in place thereof:		
51 Personal services-fire tower *	265,199	
* This appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1993.		
Strike out:		
Total	852,357	852,400
Insert in place thereof:		
Total	890,357	627,401
Strike out:		
General fund	792,357	792,400
Insert in place thereof:		
General fund	830,357	567,401

Amend the bill by deleting section 8 and renumbering sections 9-34 to read as 8-33, respectively.

Amend the bill by replacing section 33 with the following:

33 Office of the Governor; Emergency Fund and Operating Budget Contingent.

Amend PAU 01, 03, 01, 01 as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
Strike out:		
93 Emergency Fund	10,000	10,000
Insert in place thereof:		
93 Emergency Fund	10,000	
Strike out:		
95 Operating Budget Contingent	23,000	33,000

Insert in place thereof:

95 Operating Budget Contingent	23,000	
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Strike out:

Total	1,883,808	1,961,999
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Insert in place thereof:

Total	1,883,808	1,918,999
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Strike out:

General fund	1,883,808	1,961,991
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Insert in place thereof:

General fund	1,883,808	1,918,999
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34 Department of Libraries, Arts and Historical Resources; State Arts Administration; 1993 Funding Eliminated. Amend PAU 01, 06, 03, 02 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

35 Department of Libraries, Arts and Historical Resources; Division of Historic Preservation; Administration; 1993 Funding Eliminated. Amend PAU 01, 06, 04, 01 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

36 Department of Agriculture; Office of Commissioner; 1993 Funding Eliminated. Amend PAU 02, 03, 01 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

37 Department of Agriculture; Bureau of Markets; 1993 Funding Eliminated. Amend PAU 02, 03, 03 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

38 Department of Agriculture; Division of Agricultural Development; 1993 Funding Eliminated. Amend PAU 02, 03, 08 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

39 Department of Justice; Witness Fees; Highway Fund Reimbursement. Amend PAU 02, 04, 01, 01 as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
Strike out:		
Total	1,254,334	1,928,152
Estimated Sources of Funds For		
Administrative		
General Fund	1,254,334	1,928,152
Total	1,254,334	1,928,152
Insert in place thereof:		
Total	1,254,334	1,928,152
Estimated Sources of Funds For		
Administrative		
General Fund	1,254,334	928,152
02 Highway Funds *		1,000,000
Total	1,254,334	1,928,152

\* Beginning July 1, 1992,  
witness fees paid for motor vehicle cases  
shall be reimbursed from the highway fund.

40 Department of Agriculture PAU's Transferred to Department of Safety. All department of agriculture PAU's and related responsibilities which remain budgeted on July 1, 1992, shall be transferred to the department of safety on July 1, 1992.

41 Office of Emergency Management; Emergency Management Assistance; 1993 Funding Eliminated; Remaining PAU's Transferred to Department of Safety. Amend

PAU 02, 07, 01, 01 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993. All PAU's of the office of emergency management and related responsibilities which remain budgeted on July 1, 1992, shall be transferred to the department of safety on July 1, 1992.

42 Liquor Commission; Marketing and Merchandising Division; Advertising; 1993 Funding Eliminated. Amend PAU 02, 13, 07, 02 as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
Strike out:		
20 Current Expenses	589,544	605,629
Total		
Estimated Sources of Funds For		
Advertising		
General Fund	589,544	605,629
Total	589,544	605,629
Insert in place thereof:		
20 Current Expenses	589,544	
Total		
Estimated Sources of Funds For		
Advertising		
General Fund	589,544	
Total	589,544	

43 Department of Safety; Division of Safety Services; Aerial Lift Safety; 1993 Funding Transfer From General Fund to Agency Income. Amend PAU 02, 15, 06, 02 as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
Strike out:		
Total	72,356	72,694
Estimated Source of Funds For		
Aerial Lift Safety		
09 Agency Income	14,000	14,000
General Fund	58,356	58,694
Total	72,356	72,694
Insert in place thereof:		
Total	72,356	72,694
Estimated Source of Funds For		
Aerial Lift Safety		
09 Agency Income	14,000	72,694
General Fund	58,356	
Total	72,356	72,694

44 Department of Safety; Division of Fire Services; Hazardous Materials Training Program; 1993 Funding Transfer From General Fund to Agency Income. Amend PAU 02, 15, 07, 04 as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
Strike out:		
Total	119,920	121,210
Estimated Source of Funds For		



Hazardous Materials Training Program		
General Fund	119,920	121,210
Total	119,920	121,210
Insert in place thereof:		
Total	119,920	121,210
Estimated Source of Funds For		
Hazardous Materials Training Program		
General Fund	119,920	
09 Agency Income		121,210
Total	119,920	121,210

45 Committee Established. There is hereby established a committee to study the consolidation of certain land and fixed property owned by the state of New Hampshire and under the control of the adjutant general's office. The committee shall be comprised of the following:

I. One member of the house of representatives, appointed by the speaker of the house.

II. One member of the senate, appointed by the president of the senate.

III. The adjutant general or designee.

IV. One member of the New Hampshire Board of Realtors.

V. One member of the New Hampshire Board of Auctioneers.

VI. The commissioner of administrative services or designee.

VII. Two members of the public, appointed by the governor.

46 Chairperson; Meetings. All appointments shall be made within 30 days of the effective date of this act. The first meeting of the committee shall be held within 30 days after the last member is appointed, and at such meeting a chairperson shall be chosen from among the committee members.

47 Duties. The committee shall study the feasibility of consolidating National Guard armory sites for the purpose of surplussing those armory sites found to be no longer needed as a result of the consolidation. The committee shall conduct a market analysis of each site, and along with its recommendation for site closing, prepare a report for the governor, the speaker of the house and the senate president by October 1, 1992.

48 Compensation. Members shall serve without compensation, except that all legislative members shall be reimbursed mileage at the legislative rate.

49 Department of Resources and Economic Development; Office of the Commissioner; Natural Heritage Inventory; 1993 Funding Eliminated. Amend PAU 03, 03, 01, 04 by striking out all appropriations for fiscal year 1993.

50 Department of Environmental Services; Office of the Commissioner; Geology Unit; 1993 Funding Eliminated. Amend PAU 03, 04, 01, 03 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

51 Department of Health and Human Services; Office of the Commissioner; Funding for Child Care Provider Training Eliminated for Fiscal Year 1993. Amend PAU 05, 01, 01, 01 as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
Strike out		
91 Child care provider training G	99,000	99,000
Insert in place thereof		
91 Child care provider training G	99,000	
52 Department of Health and Human Services; Office of the Commissioner; Office		

of Management and Budget; Human Resources; 1993 Funding Eliminated. Amend PAU 05, 01, 01, 02, 03 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

53 Department of Health and Human Services; Office of the Commissioner; Office of Alcohol and Drug Prevention; Administration and Support; Treatment and Prevention; Tirrell House; Certification and Training; Alcohol Education Program; Multiple Offender Program; Drug Forfeiture Fund; HIV Intervention; Community Youth Activities Program; 1993 Funding Eliminated. Amend PAU's 05, 01, 01, 03, 01 through 05, 01, 01, 03, 10 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

54 Department of Health and Human Services; Division of Public Health Services; Bureau of Vital Records; 1993 Funding Eliminated. Amend PAU 05, 01, 02, 01 02 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

55 Department of Health and Human Services; Funding Eliminated for Catastrophic Illness Program for 1993. Amend PAU 05, 01, 02, 04, 02 as follows:

	FY 92	FY 93
Strike out:		
94 Catastrophic illness program	241,512	241,512
Insert in place thereof:		
94 Catastrophic illness program	241,512	

56 Department of Health and Human Services; Division of Public Health Services; Environmental Health and Hazard Assessment; Radiological Health; 1993 Funding Eliminated. Amend PAU 05, 01, 02, 05, 07 by striking out all appropriations for fiscal year 1993.

57 Department of Health and Human Services; Division of Human Services; Grants; Provider Payments; Services Eliminated. Amend PAU 05, 01, 04, 04, 05, class 90 as inserted by 1991, 312:1 by eliminating the purchase of the following optional medicaid services for adults for fiscal year 1993:

- I. Ambulance
- II. Wheelchair van
- III. Audiology
- IV. Advanced registered nurse practitioners
- V. Dental
- VI. Optometrists
- VII. Psychologists
- VIII. Private duty nurses
- IX. Nurse midwife
- X. Physical therapy
- XI. Speech therapy
- XII. Occupational therapy
- XIII. Podiatrists
- XIV. Chiropractors
- XV. Health maintenance organizations

58 Department of Health and Human Services; Division of Elderly and Adult Services; Division Director, Central Office II; 1993 Funding Eliminated. Amend PAU 05, 01, 06, 01 02, class 11 as inserted by 1991, 312:1 by striking out all funds appropriated for the salary of the division director, central office II.

59 Department of Health and Human Services, Division of Elderly and Adult Services; Travel for Action; 1993 Funding Eliminated. Amend PAU 05, 01, 06, 03, 03 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

60 Reduction in Funds; Department of Health and Human Services; Division of Mental Health and Developmental Services. The division of mental health and developmental services shall reduce the demand on the general fund for the fiscal year ending June 30, 1993, by \$1,000,000 in PAU 05, 01, 05, 03, 03, community residences; by \$725,000 in PAU 05, 01, 05, 03, 01, community developmental services, and by \$1,286,000 in PAU 05, 01, 05, 04, 01, community mental health services. The director of the division of mental health and developmental services shall within 15 days of the effective date of this section notify the director of accounting services, department of administrative services, and the legislative budget assistant of the specific actions taken to fully comply with this section.

61 Veterans Council; 1993 Funding Eliminated. Amend PAU 05, 03, 01 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

62 Contingent Repeal; SB 172-FN-A. If SB 172-FN-A of the 1992 legislative session, relative to enhanced family care facilities and making an appropriation therefor, becomes law, it shall be repealed at 12:01 a.m. on July 1, 1992.

63 AFDC Payment Levels Reduced; Division of Human Services. As of July 1, 1992, and for the fiscal year ending June 30, 1993, the division of human services shall reduce AFDC benefits payment levels to the payment levels in effect on May 1, 1988.

64 Postsecondary Education Commission; Administration and Financial Aid; 1993 Funding Reduced. Amend PAU 06, 01, 01 as inserted by 1991, 312:1 as follows:

	FY 92	FY 93
Strike out:		
90 Nurses scholarship grants	40,000	40,000
91 War orphan scholarship grant	10,000	10,000
92 NE Bd of higher educ-assessment	98,457	104,059
94 Leveraged incentive grant	347,000	347,000
95 Spec'l student grant-optometri	21,000	18,000
96 Spec'l student grant-veterinary	179,000	163,000
97 Spec'l student grant-Dartmouth	200,000	200,000
98 Nurses leveraged grants	40,000	40,000
99 NH incentive program	800,000	800,000
Total	1,989,924	1,966,243
Estimated source of funds for administration and financial aid		
00 Federal funds	275,000	275,000
09 Agency income	10,000	10,000
General fund	1,704,924	1,681,243
Total	1,989,924	1,966,243
Insert in place thereof:		
90 Nurses scholarship grants	40,000	
91 War orphan scholarship grant	10,000	
92 NE Bd of higher educ-assessment	98,457	
94 Leveraged incentive grant	347,000	
95 Spec'l student grant-optometri	21,000	
96 Spec'l student grant-veterinary	179,000	

97 Spec'l student grant-Dartmouth	200,000	
98 Nurses leveraged grants	40,000	
99 NH incentive program	800,000	
Total	1,989,924	244,184
Estimated source of funds for administration and financial aid		
00 Federal funds	275,000	
09 Agency income	10,000	10,000
General fund	1,704,924	234,184
Total	1,989,924	244,184

65 Department of Education; Division of Instruction; Instruction Program-State; 1993 Funding Eliminated. Amend PAU 06, 03, 03, 02, 01 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

66 Higher Education Fund; NH Public Television; 1993 Funding Eliminated. Amend PAU 06, 06, 12 as inserted by 1991, 312:1 by striking out all appropriations for fiscal year 1993.

67 Funds Reduction Required; University System. The university system of New Hampshire shall reduce the demand on the general fund for the fiscal year ending June 30, 1993, by the amount of \$5,422,917. The university system of New Hampshire shall within 15 days of the effective date of this section notify the director of accounting services, department of administrative services and the legislative budget assistant of the specific actions taken to fully comply with this section.

68 Funds Reduction; Department of Postsecondary Technical Education. 1991, 312:15, II and III are repealed and reenacted to read as follows:

II. The department of postsecondary technical education shall reduce the demand on the general fund for the fiscal year ending June 30, 1993, by the amount of \$653,109, by utilizing a combination of class line reductions; lapses from the special account established in RSA 188-F:14-c, notwithstanding the provisions of RSA 188-F:14-c that such account shall be nonlapsing; and revenue enhancements. The commissioner shall within 15 days of the effective date of this paragraph notify the director of accounting services, department of administrative services, and the legislative budget assistant of the specific actions taken to fully comply with this paragraph.

III. For the purposes of paragraph I of this section the governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

69 Adjustment of Amounts, Figures, Estimates and Totals. The commissioner of administrative services shall adjust all amounts, figures, estimates and totals for 1991, 312, the 1992-1993 operating budget, as made necessary by the passage of this act.

70 Effective Date. This act shall take effect upon its passage.

Reps. Kurk and Jasper spoke in favor and yielded to questions.

Rep. LaMar spoke against.

Rep. Hager spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.



**YEAS 111****NAYS 207****YEAS 111  
BELKNAP**

Accornero, Harry  
Johnson, Carl R.  
Rosen, Ralph J.

Dewhirst, Glenn E.  
Joscelyn, William W.  
Vogler, Charles C.

Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Zaharchuk, Peter J., Jr.

**CARROLL**

Chandler, Gene G.  
Jean, Robert R.

Daly, Robert J., Jr.  
Wiggin, Allen R.

Dickinson, Howard C.  
Wiggin, Gordon E.

**CHESHIRE**

Cole, Kenneth A.  
Hunt, John B.  
Mohr, Frederick C., Jr.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Kennison, Wayne A.  
Pearson, Gertrude B.  
Young, David A.

Hogan, James B.  
Metzger, Katherine H.  
Perry, David M.

**COOS**

Brungot, Catherine V.

Oliver, Terry D.

**GRAFTON**

Lougee, Richard W.  
Trelfa, Richard T.

Shackett, Ralph E.  
White, Paul R.

Stewart, Roger D.

**HILLSBOROUGH**

Alukonis, David J.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Desrochers, Gerard T.  
Ferguson, Charles  
Greenglass, Alan B.  
Jasper, Shawn N.  
Lachut, Ervin R.  
Leclerc, Charles J.  
Paquette, Rodolphe G.  
Rothhaus, Finlay C.  
Wheeler, David K.

Amidon, Eleanor H.  
Carpenter, Karen A.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.  
Ferlan, Arthur P.  
Hall, Betty B.  
Keane, Cornelius J.  
Lawrence, Eva M.  
Mason, Howard F.  
Pepino, Leo P.  
Searles, Stanley N., Sr.  
Wright, George W.

Andrews, Frederick B.  
Chasse, Richard D.  
Daniels, Gary L.  
Elliott, Larry G.  
Goulet, Maurice E.  
Hultgren, David D.  
Kurk, Neal M.  
Lawrence, Norman B.  
Packard, Bonnie B.  
Riley, Frances L.  
Stiles, Walter A.

**MERRIMACK**

Apple, Lowell D.  
Chandler, John P.  
Nichols, Avis B.

Barberia, Richard A.  
Lewis, Mary Ann  
Stapleton, Henry F.

Chandler, Earle W.  
Millard, Elizabeth S.  
Whittemore, James A.

**ROCKINGHAM**

Boucher, William P.  
Dowling, Patricia A.  
Katsakiores, Phyllis  
McCarthy, John J., Jr.  
Raynowska, Bernard J.  
Sytek, John J.  
Welch, David A.

Buco, Stephen W.  
Dube, LeRoy S.  
Klemarczyk, Thaddeus E.  
McKinney, Betsy  
Rubin, George R.  
Thayer, Leroy C.  
Weyler, Kenneth L.  
Coffey, John J.  
Ford, Bert H.  
Malcolm, Kenneth W.  
Packard, Sherman A.  
Smith, Arthur W.  
Warburton, Calvin

**STRAFFORD**

Bickford, Drucilla  
Flynn, Edward J.  
O'Brien, John  
Torr, Ralph W.

Corte, Arthur B.  
Frechette, Roland A.  
Pageotte, Donald P.  
Tsiros, William

Douglass, Clyde J.  
Marston, Robert E.  
Parks, Joe B.  
Young, John B.

**SULLIVAN**

Domini, Irene C.

Middleton, John A.

**NAYS 207****BELKNAP**

Bartlett, Gordon E.  
Holbrook, Robert G.  
Turner, Robert H.

Cain, Thomas G.  
Maviglio, Steven R.  
Ziegra, Alice S.

Campbell, Richard H., Jr.  
Shibley, Arnold P.

**CARROLL**

Allard, Nanci A.  
Saunders, Howard N.

Beach, Mildred A.

Bradley, Jeb E.

**CHESHIRE**

Burnham, Daniel M.  
Doucette, Richard F.  
Kingsbury, H. Thayer  
Pratt, Irene A.

Clark, Eugene W.  
Feuer, Joseph N.  
LaMar, David M.  
Riley, William A.

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.

**COOS**

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Pratt, Leighton C.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Theriault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Ward, Kathleen W.

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
McIlwaine, Deborah P.  
Scanlan, David M.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Bourque, Ann J.  
Cote, David E.  
Desrosiers, William J.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Ford, Nancy M.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Janas, Gregory  
King, Frank P.  
Laughlin, J. Francis

Baldizar, Barbara J.  
Buckley, Raymond  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Gage, Ruth E.  
Green, Scott E.  
Healy, Daniel J.  
Jean, Romeo W.  
L'Heureux, Robert J.  
Lown, Elizabeth D.

Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Crotty, Edward J.  
Donovan, Francis X.  
Durham, Susan B.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Holden, Carol H.  
Kelley, Robert N.  
Larochelle, Roger B.  
Lozeau, Donnalce M.

Martin, Mary Ellen  
McNerney, Daniel P.  
Messier, Irene M.  
Nardi, Theodora P.  
Reidy, Frank J.  
Sallada, Roland A.  
Tarpley-Bamberger, Nancy L.  
Upton, Barbara A.  
White, John M.

McCann, Bonnie Lou  
McRae, Karen K.  
Moore, Elizabeth A.  
Peters, Stanley W.  
Rheault, Lillian I.  
Smith, Leonard A.  
Tate, Joan C.  
Vanderlosk, Stanley R.

McDowell, James E.  
Mercer, Robert S.  
Murphy, Robert E.  
Record, Alice B.  
Robinson, Ellen-Ann  
Soucy, Donna M.  
Turgeon, Roland M.  
Wheeler, Robert L.

### MERRIMACK

Boucher, Laurent J.  
Daneault, Gabriel J.  
Feuerstein, Martin  
Gross, Caroline L.  
Hayes, Robert C.  
Jacobson, Alf E.  
Letourneau, George E.  
Smith, Gerald R.  
Teague, Bert  
Yeaton, Charles B.

Braiterman, Thea  
Dunn, Miriam D.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, C. William  
Lockwood, Robert A.  
Soldati, Jennifer G.  
Wallner, Mary Jane

Carter, Susan D.  
Fair, Patricia A.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Kidder, William F.  
Molner, Mary E.  
Stio, Peter M.  
Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Connell, David R.  
DiPietro, Carmela M.  
Flanagan, Natalie S.  
Gage, Beverly A.  
Hoar, John, Jr.  
Johnson, Robert A.  
Lovejoy, Virginia K.  
McGovern, Cynthia A.  
Schanda, Joseph, Sr.  
Terninko, Margaret B.  
Woods, Deborah L.

Bell, Juanita L.  
Christie, Andrew, Jr.  
Conroy, Janet M.  
Dowd, Sandra K.  
Flanders, David A.  
Greene, Elizabeth A.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Magoon, Harold F.  
Melnick, Roy E.  
Syracusa, Anthony  
Tufts, Arthur

Benton, Richardson D.  
Clark, Martha Fuller  
Cote, Patricia L.  
Drake, Herbert R.  
Flanders, John W., Sr.  
Griebisch, Linda  
Hurst, Sharleene P.  
Klemm, Arthur P., Jr.  
McCain, William F.  
Rosencrantz, James R.  
Sytek, Donna P.  
Vaughn, Charles L.

### STRAFFORD

Brown, Julie M.  
Hashem, Elaine M.  
Knowles, William V.  
Merrill, Amanda A.  
Spencer, Leo J.  
Wall, Janet G.

Gilmore, Gary R.  
Jankowski, Peter M.  
Martling, W. Kent  
Nehring, William H.  
Sullivan, Henry P.  
Wheeler, Katherine W.

Hambrick, Patricia A.  
Keans, Sandra B.  
McCann, William H., Jr.  
Pelley, Janet R.  
Vincent, Francis C.

### SULLIVAN

Allison, David C.  
Flint, Gordon B.  
Porter, Robert H.  
Stamatakis, Carol M.

Behrens, Thomas A.  
Krueger, Richard H.  
Rodeschin, Beverly T.

Burling, Peter Hoe  
Lindblade, Eric N.  
Schotanus, Merle W.

and the floor amendment failed.

Rep. Parks offered a floor amendment.  
5256L

### Floor Amendment

Amend the bill by deleting section 20 and renumbering section 21-34 to read as 20-33, respectively.

Rep. Parks spoke in favor.

Rep. Channing Brown spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

### YEAS 96

### NAYS 222

#### YEAS 96 BELKNAP

Accornero, Harry  
Johnson, Carl R.  
Zaharchuk, Peter J., Jr.

Campbell, Richard H., Jr.  
Joscelyn, William W.  
Ziegra, Alice S.

Dewhirst, Glenn E.  
Rice, Thomas E. P., Jr.

#### CARROLL

Beach, Mildred A.  
Dickinson, Howard C.

Bradley, Jeb E.  
Jean, Robert R.

Daly, Robert J., Jr.  
Wiggin, Gordon E.

#### CHESHIRE

Burnham, Daniel M.  
Hogan, James B.  
Laurent, John J.

Cole, Kenneth A.  
Hunt, John B.  
Metzger, Katherine H.

Crutchley, Donald O.  
Kennison, Wayne A.  
Pearson, Gertrude B.

#### COOS

Brungot, Catherine V.  
Pratt, Leighton C.

Buckley, C. Fitzgerald

Oliver, Terry D.

#### GRAFTON

Arnesen, Deborah L.  
Larson, Nils H., Jr.

Christy, C. Dana  
McIlwaine, Deborah P.

Hill, Richard L.  
White, Paul R.

#### HILLSBOROUGH

Alukonis, David J.  
Daigle, Robert A.  
Durham, Susan B.  
Hultgren, David D.  
Kurk, Neal M.  
Lawrence, Norman B.  
Mason, Howard F.  
Pepino, Leo P.  
Searles, Stanley N., Sr.  
Wright, George W.

Carpenter, Karen A.  
Daniels, Gary L.  
Ford, Nancy M.  
Janas, Gregory  
L'Heureux, Robert J.  
Lozeau, Donnalee M.  
McRae, Karen K.  
Riley, Frances L.  
Stiles, Walter A.

Cook, Valerie S.  
Domaingue, Jacquelyn M.  
Hall, Betty B.  
Jasper, Shawn N.  
Lachut, Ervin R.  
Martin, Mary Ellen  
Packard, Bonnie B.  
Rothhaus, Finlay C.  
Wheeler, David K.

#### MERRIMACK

Apple, Lowell D.  
Smith, Gerald R.

Barberia, Richard A.  
Whittemore, James A.

Johnson, C. William

#### ROCKINGHAM

Boucher, William P.  
Conroy, Janet M.  
Dube, LeRoy S.

Buco, Stephen W.  
Dowling, Patricia A.  
Ford, Bert H.

Clark, Martha Fuller  
Drake, Herbert R.  
McCarthy, John J., Jr.



McKinney, Betsy  
Rubin, George R.  
Warburton, Calvin

Packard, Sherman A.  
Smith, Arthur W.  
Welch, David A.

Raynowska, Bernard J.  
Sytek, John J.  
Weyler, Kenneth L.

### STRAFFORD

Corte, Arthur B.  
Knowles, William V.  
Pelley, Janet R.

Douglass, Clyde J.  
Marston, Robert E.  
Torr, Ralph W.

Keans, Sandra B.  
Parks, Joe B.  
Young, John B.

### SULLIVAN

Domini, Irene C.

Middleton, John A.

Porter, Robert H.

### NAYS 222

### BELKNAP

Bartlett, Gordon E.  
Holbrook, Robert G.  
Shibley, Arnold P.

Cain, Thomas G.  
Maviglio, Steven R.  
Turner, Robert H.

Golden, Paul A.  
Rosen, Ralph J.  
Vogler, Charles C.

### CARROLL

Allard, Nanci A.  
Wiggin, Allen R.

Chandler, Gene G.

Saunders, Howard N.

### CHESHIRE

Clark, Eugene W.  
Feuer, Joseph N.  
LaMar, David M.  
Pratt, Irene A.

Cole, Stacey W.  
Grodin, Richard A.  
Mohr, Frederick C., Jr.  
Riley, William A.

Doucette, Richard F.  
Kingsbury, H. Thayer  
Perry, David M.  
Sawyer, Alfred P.

### COOS

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Therault, Romeo J.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.

Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.

### GRAFTON

Adams, Carl S.  
Brown, Patricia B.  
Guest, Robert H.  
Nielsen, Niels F., Jr.  
Shackett, Ralph E.  
Trelfa, Richard T.

Bean, Pamela B.  
Chambers, Mary P.  
LaMott, Paul I.  
Nordgren, Sharon L.  
Stewart, Roger D.  
Ward, Kathleen W.

Brown, Channing T.  
Driscoll, William J.  
Lougee, Richard W.  
Scanlan, David M.  
Teschner, Douglass P.

### HILLSBOROUGH

Ahrens, Frederick G.  
Arnold, Barbara E.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Green, Scott E.

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Crotty, Edward J.  
Dodge, Emma M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Greenglass, Alan B.

Andrews, Frederick B.  
Baroody, Benjamin C.  
Buckley, Raymond  
Cote, David E.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Dyer, Merton S.  
Ferguson, Charles  
Gage, Ruth E.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.

Hanselman, Gregory L.  
 Jean, Romeo W.  
 King, Frank P.  
 Lawrence, Eva M.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Peters, Stanley W.  
 Rheault, Lillian I.  
 Smith, Leonard A.  
 Tate, Joan C.  
 Vanderlosk, Stanley R.

Healy, Daniel J.  
 Keane, Cornelius J.  
 Larochelle, Roger B.  
 Leclerc, Charles J.  
 McDowell, James E.  
 Messier, Irene M.  
 Nardi, Theodora P.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Soucy, Donna M.  
 Turgeon, Roland M.  
 Wheeler, Robert L.

Holden, Carol H.  
 Kelley, Robert N.  
 Laughlin, J. Francis  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Moore, Elizabeth A.  
 Paquette, Rodolphe G.  
 Reidy, Frank J.  
 Sallada, Roland A.  
 Tarpley-Bamberger, Nancy L.  
 Upton, Barbara A.  
 White, John M.

### MERRIMACK

Boucher, Laurent J.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Nichols, Avis B.  
 Stio, Peter M.  
 Weeks, John F., Jr.

Braiterman, Thea  
 Chandler, John P.  
 Fair, Patricia A.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Letourneau, George E.  
 Millard, Elizabeth S.  
 Soldati, Jennifer G.  
 Teague, Bert  
 Yeaton, Charles B.

Carter, Susan D.  
 Daneault, Gabriel J.  
 Feuerstein, Martin  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Lewis, Mary Ann  
 Molner, Mary E.  
 Stapleton, Henry F.  
 Wallner, Mary Jane

### ROCKINGHAM

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Connell, David R.  
 Dowd, Sandra K.  
 Flanders, David A.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 Melnick, Roy E.  
 Syracuse, Anthony  
 Thayer, Leroy C.  
 Woods, Deborah L.

Bell, Juanita L.  
 Christie, Andrew, Jr.  
 Cote, Patricia L.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Griebsch, Linda  
 Hurst, Sharleene P.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Rosencrantz, James R.  
 Sytek, Donna P.  
 Tufts, Arthur

Benton, Richardson D.  
 Coffey, John J.  
 DiPietro, Carmela M.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Magoon, Harold F.  
 McGovern, Cynthia A.  
 Schanda, Joseph, Sr.  
 Terninko, Margaret B.  
 Vaughn, Charles L.

### STRAFFORD

Bickford, Drucilla  
 Frechette, Roland A.  
 Hashem, Elaine M.  
 McCann, William H., Jr.  
 O'Brien, John  
 Sullivan, Henry P.  
 Wall, Janet G.

Brown, Julie M.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 Merrill, Amanda A.  
 Pageotte, Donald P.  
 Tsiros, William  
 Wheeler, Katherine W.

Flynn, Edward J.  
 Hambrick, Patricia A.  
 Martling, W. Kent  
 Nehring, William H.  
 Spencer, Leo J.  
 Vincent, Francis C.

**SULLIVAN**

Allison, David C.

Behrens, Thomas A.

Burling, Peter Hoe

Flint, Gordon B.

Krueger, Richard H.

Lindblade, Eric N.

Peyron, Fredrik

Rodeschin, Beverly T.

Schotanus, Merle W.

and the floor amendment failed.

Rep. Stamatakis notified the Clerk that she wished to be recorded in opposition to the floor amendment.

Report adopted.

Ordered to third reading.

**RECESS****(Speaker Burns in the Chair)****SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 1328-FN**, relative to the fiscal responsibilities of the county commissioners and the county convention for capital expenditures in Rockingham county. (Amendment printed SJ 8, 02/20/92)

Rep. Grodin moved that the House concur and spoke in favor.

Adopted.

**REQUESTS CONCURRENCE****SB 459**, limiting increases in electric rates.**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill number 459 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF SENATE BILL****First, second reading referral****SB 459**, limiting the increase in electric rates. (Science, Technology and Energy)**SPECIAL ORDER**

**CACR 25**, relating to right to privacy. Providing that an individual's right to live free from governmental interference in private or personal matters is fundamental. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. H. Thayer Kingsbury for the Majority of Constitutional and Statutory Revision: In 1973 in *Katz versus the US*, the Supreme Court ruled that "the protection of a person's general right to privacy - his right to be left alone - is left to the law of the individual states." As society has become more and more complex and as government and industry become more and more aggressive in their efforts to know more about us and control us, this right to be left alone has suffered. The Majority of the Committee feels it is important that a right to privacy be spelled out and included in our state constitution. Vote 9-5.

Reps. Walter F. Healy and Phyllis M. Katsakiores for the Minority of Constitutional and Statutory Revision: The Minority of the Committee feel that this **CACR** should be referred for Interim Study. In listening to testimony by witnesses and committee members, it became clear that several points should be clarified before this question is put on the ballot. Further study of this amendment is needed as if it is

passed, the CACR would represent a basic new approach to what is traditionally considered the law of this state. Criminal law and civil law will be altered. Defense attorneys will raise the issue of privacy in the courts. Who will decide the issues of "privacy," "compelling state interest" and "least intrusive procedure?" The courts will basically preempt the legislature in the law creating process. House Bill 1297 (1992) establishes a nine-member committee to study the issue of protecting personal information. This bill is now in the possession of the Senate Judiciary Committee. The study committee will submit a report no later than November 1, 1992. If this CACR goes to Interim Study, the Committee will have the opportunity to look at the court cases that have resulted from amendments to the constitutions of other states, to compare the wording of the CACR with that of other states such as Florida, Rhode Island and California, and to receive the results of the study committee created in House Bill 1297. The Committee thus will be able to determine whether a CACR on this issue is necessary or whether it would be more aptly addressed by legislation.

4537L

### Amendment

Amend the resolution by replacing all after the resolving clause with the following:

I. That part first of the constitution be amended by inserting after article 2-a the following new article:

[Art.] 2-b. [Right to Privacy.] An individual's right to live free from governmental interference in private or personal matters is fundamental, and shall not be restricted unless the government demonstrates that the restriction is the least intrusive means to fulfill a compelling state interest.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1992.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1992 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1992 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution by guaranteeing an individual's right to live free from governmental interference in private or personal matters, which freedom shall not be restricted unless the government demonstrates that the restriction is the least intrusive means to fulfill a compelling state purpose?

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1990 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

Adopted.

Reps. Shackett, Paul White and Donna Sytek spoke against.

Reps. Burling, Robinson, Gilmore and Kurk spoke in favor.

Rep. Connell spoke against and yielded to questions.



Roll call request sufficiently seconded.

The question being the adoption of the majority Committee report.

**YEAS 158**

Joscelyn, William W.  
Salatiello, Thomas B.

Bradley, Jeb E.

Burnham, Daniel M.  
Crutchley, Donald O.  
Foster, Katherine D.  
Hunt, John B.  
Mohr, Frederick C., Jr.  
Riley, William A.

Buckley, C. Fitzgerald  
Kilbride, Dennis J.  
Nelson, Harold D.

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
Lougee, Richard W.  
Stewart, Roger D.  
Ward, Kathleen W.

Ackerman, Philip M.  
Baldizar, Barbara J.  
Chasse, Richard D.  
Crotty, Edward J.  
Drolet, Paul L.  
Gage, Ruth E.  
Hall, Betty B.  
Jean, Romeo W.  
Lachut, Ervin R.  
Lozeau, DonnaLee M.  
Messier, Irene M.  
Paquette, Rodolphe G.  
Robinson, Ellen-Ann  
Stiles, Walter A.  
Vanderlosk, Stanley R.

Apple, Lowell D.  
Daneault, Gabriel J.  
Hager, Elizabeth S.

Maviglio, Steven R.  
Shibley, Arnold P.

Dickinson, Howard C.

Clark, Eugene W.  
Doucette, Richard F.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.

Hawkinson, Marie C.  
Mayhew, Josephine  
Pratt, Leighton C.

Arnesen, Deborah L.  
Brown, Patricia B.  
Guest, Robert H.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

Alukonis, David J.  
Baroody, Benjamin C.  
Clemons, Jane A.  
Daigle, Robert A.  
Dwyer, Patricia R.  
Gagnon, Eugene L.  
Hanselman, Gregory L.  
Kelley, Robert N.  
Leclerc, Charles J.  
Mason, Howard F.  
Murphy, Robert E.  
Peters, Stanley W.  
Rothhaus, Finlay C.  
Tate, Joan C.  
White, John M.

Braiterman, Thea  
Fair, Patricia A.  
Hall, Douglas E.

**NAYS 175**

Rice, Thomas E. P., Jr.  
Ziegra, Alice S.

Dodge, A. Gibb, Jr.

Cole, Kenneth A.  
Feuer, Joseph N.  
Hogan, James B.  
LaMar, David M.  
Pratt, Irene A.

Horton, Lynn C.  
Merrill, Gerald P.

Bean, Pamela B.  
Chambers, Mary P.  
LaMott, Paul I.  
Nordgren, Sharon L.  
Trelfa, Richard T.

Amidon, Eleanor H.  
Buckley, Raymond  
Cote, David E.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Green, Scott E.  
Janas, Gregory  
Kurk, Neal M.  
Lown, Elizabeth D.  
McDowell, James E.  
Packard, Bonnie B.  
Record, Alice B.  
Soucy, Donna M.  
Upton, Barbara A.

Chandler, John P.  
Feuerstein, Martin  
Hill, Michael J.

**YEAS 158  
BELKNAP****CARROLL****CHESHIRE****COOS****GRAFTON****HILLSBOROUGH****MERRIMACK**

Jacobson, Alf E.  
Kidder, William F.  
Molner, Mary E.  
Teague, Bert

Johnson, C. William  
Lewis, Mary Ann  
Nichols, Avis B.  
Weeks, John F., Jr.

Johnson, Joyce M.  
Lockwood, Robert A.  
Soldati, Jennifer G.  
Yeaton, Charles B.

### ROCKINGHAM

Bell, Juanita L.  
Greene, Elizabeth A.  
Lovejoy, Virginia K.  
Packard, Sherman A.  
Tufts, Arthur  
Woods, Deborah L.

Clark, Martha Fuller  
Griebsch, Linda  
McGovern, Cynthia A.  
Syracusa, Anthony  
Vaughn, Charles L.

Dowling, Patricia A.  
Hurst, Sharleene P.  
McKinney, Betsy  
Terninko, Margaret B.  
Warburton, Calvin

### STRAFFORD

Bickford, Drucilla  
Flynn, Edward J.  
Hashem, Elaine M.  
Knowles, William V.  
Merrill, Amanda A.  
Parks, Joe B.  
Young, John B.

Brown, Julie M.  
Gilmore, Gary R.  
Jankowski, Peter M.  
Martling, W. Kent  
O'Brien, John  
Wall, Janet G.

Corte, Arthur B.  
Hambrick, Patricia A.  
Keans, Sandra B.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Krueger, Richard H.  
Rodeschin, Beverly T.

Burling, Peter Hoe  
Lindblade, Eric N.  
Schotanus, Merle W.

Flint, Gordon B.  
Porter, Robert H.  
Stamatakis, Carol M.

### NAYS 175

#### BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Turner, Robert H.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Vogler, Charles C.

Cain, Thomas G.  
Golden, Paul A.  
Rosen, Ralph J.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Wiggin, Allen R.

Beach, Mildred A.  
Jean, Robert R.  
Wiggin, Gordon E.

Chandler, Gene G.  
Saunders, Howard N.

### CHESHIRE

Cole, Stacey W.  
Metzger, Katherine H.

Kennison, Wayne A.  
Perry, David M.

Laurent, John J.  
Sawyer, Alfred P.

### COOS

Brungot, Catherine V.  
Marsh, Beaton

Coulombe, Henry W.  
Oliver, Terry D.

Guay, Lawrence J.  
Theriault, Romeo J.

### GRAFTON

Christy, C. Dana  
Hill, Richard L.  
Scanlan, David M.

Dow, David  
Larson, Nils H., Jr.  
Shackett, Ralph E.

Driscoll, William J.  
Nielsen, Niels F., Jr.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.	Andrews, Frederick B.	Arnold, Barbara E.
Baker, George H., Sr.	Bourque, Ann J.	Bowers, Dorothy C.
Calawa, Leon, Jr.	Carpenter, Karen A.	Cook, Valerie S.
Cowenhoven, Garret P.	Daniels, Gary L.	Desrochers, Gerard T.
Desrosiers, William J.	Dodge, Emma M.	Domaingue, Jacquelyn M.
Donovan, Francis X.	Durham, Susan B.	Dyer, Merton S.
Elliott, Larry G.	Emerton, Lawrence A.	Ferlan, Arthur P.
Fields, Dennis H.	Ford, Nancy M.	Gosselin, Gerald O.
Goulet, Maurice E.	Greenglass, Alan B.	Gureckis, Adam C., Sr.
Healy, Daniel J.	Healy, Walter F.	Holden, Carol H.
Hultgren, David D.	Jasper, Shawn N.	Johnson, Lionel W.
Keane, Cornelius J.	Kelley, Dana F.	King, Frank P.
L'Heureux, Robert J.	Larochelle, Roger B.	Laughlin, J. Francis
Lawrence, Eva M.	Lawrence, Norman B.	Lefebvre, Roland J.
Martin, Mary Ellen	McCann, Bonnie Lou	McNerney, Daniel P.
McRae, Karen K.	Mercer, Robert S.	Nardi, Theodora P.
Ouellette, Robert O.	Pepino, Leo P.	Reidy, Frank J.
Rheault, Lillian I.	Riley, Frances L.	Sallada, Roland A.
Searles, Stanley N., Sr.	Smith, Leonard A.	Tarpley-Bamberger, Nancy L.
Turgeon, Roland M.	Wheeler, David K.	Wheeler, Robert L.
Wright, George W.		

**MERRIMACK**

Asplund, Bronwyn L.	Barberia, Richard A.	Boucher, Laurent J.
Carter, Susan D.	Chandler, Earle W.	Dunn, Miriam D.
Fillion, Paul R.	Gilbreth, Robert M.	Gross, Caroline L.
Hayes, Robert C.	Letourneau, George E.	Millard, Elizabeth S.
Smith, Gerald R.	Stapleton, Henry F.	Stio, Peter M.
Whittemore, James A.		

**ROCKINGHAM**

Barnes, John S., Jr.	Benton, Richardson D.	Boucher, William P.
Buco, Stephen W.	Campbell, Marilyn R.	Christie, Andrew, Jr.
Coffey, John J.	Connell, David R.	Conroy, Janet M.
Cote, Patricia L.	Dowd, Sandra K.	Drake, Herbert R.
Dube, LeRoy S.	Felch, Charles H., Sr.	Flanagan, Natalie S.
Flanders, David A.	Flanders, John W., Sr.	Ford, Bert H.
Gage, Beverly A.	Hoar, John, Jr.	Hoelzel, Kathleen M.
Johnson, Robert A.	Katsakiores, George N.	Katsakiores, Phyllis
Klemarczyk, Thaddeus E.	Klemm, Arthur P., Jr.	MacKinnon, Nancy W.
Magoon, Harold F.	Malcolm, Kenneth W.	McCain, William F.
McCarthy, John J., Jr.	Melnick, Roy E.	Raynowska, Bernard J.
Rosencrantz, James R.	Rubin, George R.	Schanda, Joseph, Sr.
Seward, Russell G.	Smith, Arthur W.	Sytek, Donna P.
Sytek, John J.	Thayer, Leroy C.	Welch, David A.
Weyler, Kenneth L.		

**STRAFFORD**

Douglass, Clyde J.	Foss, Patricia H.	Frechette, Roland A.
Marston, Robert E.	Musler, George T.	Nehring, William H.
Spencer, Leo J.	Sullivan, Henry P.	Torr, Ralph W.
Tsiros, William	Vincent, Francis C.	

**SULLIVAN**

Behrens, Thomas A.	Domini, Irene C.	Middleton, John A.
Peyron, Fredrik		

and lacking the constitutionally required three-fifths, the report failed.

Rep. Holden moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment.

Referred for Interim Study.

**AMENDMENTS TO RULES**

Reps. Gross and Chambers moved that the House Rules be amended as follows:

Amend Rule 67 by deleting all after the entry for March 5 and replacing it with the following:

March 31, Tuesday — Last day for Policy Committees to report Senate money bills.

April 7, Tuesday — Last day to act on Senate money bills from Policy committees.

April 16, Thursday — Last day to report all Senate Bills.

April 22, Wednesday — Last day to act on Senate bills.

April 23, Thursday — Last day to concur with Senate amendments, request or accede to committees of conference, except for the budget adjustment act and revenue measures.

April 30, Thursday — Last day to signoff conference reports, except for the budget adjustment act and revenue measures.

May 7, Thursday — Last day to act on conference reports, except for the budget adjustment act and revenue measures.

May 12 Tuesday — All Bills to Governor, except for the budget adjustment act and revenue measures.

Adopted by the necessary two-thirds.

**REMOVED FROM THE TABLE**

Rep. Bonnie McCann moved that **HB 582-FN**, relative to ozone-depleting compounds, be removed from the table. (Pending question: Refer for Interim Study)

The motion failed.

**RECONSIDERATION**

Having voted with the prevailing side, Rep. Vincent moved that the House reconsider its action whereby it passed **HB 689-FN**, relative to implied consent and administrative motor vehicle license suspension and spoke in favor.

Rep. Lozeau spoke against.

Reconsideration lost.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet March 19 at 1:00 p.m.



Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 601-FN-A**, establishing a public water access advisory board and a statewide public boat access program and continually appropriating a special fund for the purposes of the program and creating a new class of highways for access to public waters.

**HB 1269-FN**, separating the AFDC standard of need from the AFDC payment standards and increasing the AFDC standard of need.

**HB 1342-A**, relative to the location and establishment of a state veterans' cemetery and making an appropriation therefor.

**HB 1366-FN**, relative to adopting the state operating budget in the second year of the legislative session.

**HB 1394-FN-A**, making supplemental appropriations to the department of justice and the department of health and human services.

**HB 1447-FN**, increasing witness fees for law enforcement officers.

**HB 1493-A**, relative to extending the east-west highway study deadline.

**HB 1265-FN**, regulating small motor mineral dredging and panning.

**HB 1386-FN-A**, establishing a foundation aid formula study committee, authorizing the committee to hire a consultant to study different methods of financing education and making an appropriation therefor.

**HB 1026**, relative to a companion bill to the supplemental budget.

**HB 1151**, establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital for certain state offices.

**HB 1254**, relative to public employee labor relations board hearings.

**HCR 30**, relative to the small-issue industrial development bond program.

**HB 1501**, relative to unfunded state mandates.

**HB 1025-A**, relative to budget adjustments for fiscal years 1992 and 1993.

### UNANIMOUS CONSENT

Reps. William Riley, Nielsen and Jacobson addressed the House by unanimous consent.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 3:25 p.m.

### RECESS

### SENATE MESSAGE

#### REQUESTS CONCURRENCE

**SB 304-FN-A**, relative to business assistance and institutional arrangements.

**SB 306**, allowing bonus payments in recognition of service during the Persian Gulf War and making an appropriation therefor.

**SB 308**, revising the business corporation act.

**SB 314-FN-A-L**, making a supplemental appropriation for the board of tax and land appeals and increasing filing fees for appeals to the board.

**SB 319**, separating the AFDC standard of need from the AFDC payment standard, increasing the AFDC standard of need and increasing medicaid eligibility for pregnant women and children.

**SB 334-FN-A**, authorizing the division of public health services to carry out a rabies surveillance to identify and gauge the threat to the public's health.

**SB 335-FN**, authorizing the board of marital mediator certification to establish and collect certification fees, establish a budget and certify certain applicants.

**SB 339**, relative to regulatory reform.

**SB 351**, prohibiting the sale of certain products containing phosphorus.

**SB 367**, authorizing the department of resources and economic development to sell the Nansen ski jump facility if no interest exists in the private sector to maintain and operate the facility.

**SB 376-FN-A**, relative to congregate services programs.

**SB 378**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services.

**SB 390**, establishing a revenue estimating conference which shall estimate anticipated state revenues.

**SB 393**, relative to infrastructure development and making appropriations therefor.

**SB 411-FN**, relative to special education catastrophic aid.

**SB 414-FN**, authorizing a pilot program in one county for investigative services for attorneys providing counsel to indigent defendants.

**SB 429**, relative to selecting engineers, architects, and surveyors by state agencies.

**SB 432-FN**, relative to motorcycle noise level limits.

**SB 436-FN-L**, relative to aid to the permanently and totally disabled and the property tax exemption for the blind.

**SB 437-FN**, relative to the New Hampshire Dental Service Corporation.

**SB 438-FN-A**, relative to the department of transportation equipment inventory fund and making an appropriation therefor.

**SB 441-FN-A**, establishing a statewide enhanced 911 system and continually appropriating a special fund.

**SB 443-FN**, requiring the division for children and youth services to develop, implement and administer an automated case management system.

**SB 446-A**, authorizing construction of exit 10 on the Spaulding turnpike from bonds previously authorized and changing the classification of the Salmon Falls road in Rochester and Somersworth to class II.

**SB 450-FN**, relative to capital formation.

**SB 452-FN-L**, redistricting certain district courts.

**SB 469-FN**, relative to service retirement allowances and continuing education conferences for retirement system board of trustees.

**SB 473-FN-A**, relative to a fund for organ transplantation and transferring responsibility from vocational rehabilitation to the division of human services.

## RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 304, 306, 308, 314, 319, 334, 335, 339, 351, 367, 376, 378, 390, 393, 411, 414, 429, 432, 436, 437, 438, 441, 443, 446, 450, 452, 469 and 473 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF SENATE BILLS****First, second reading referral**

**SB 304-FN-A**, relative to business assistance and institutional arrangements. (Economic Development)

**SB 306**, allowing bonus payments in recognition of service during the Persian Gulf War and making an appropriation therefor. (Public Protection and Veterans Affairs)

**SB 308**, revising the business corporation act. (Judiciary)

**SB 314-FN-A-L**, making a supplemental appropriation for the board of tax and land appeals and increasing filing fees for appeals to the board. (Municipal and County Government)

**SB 319**, separating the AFDC standard of need from the AFDC payment standard, increasing the AFDC standard of need and increasing medicaid eligibility for pregnant women and children. (Appropriations)

**SB 334-FN-A**, authorizing the division of public health services to carry out a rabies surveillance to identify and gauge the threat to the public's health. (Health, Human Services and Elderly Affairs)

**SB 335-FN**, authorizing the board of marital mediator certification to establish and collect certification fees, establish a budget and certify certain applicants. (Executive Departments and Administration)

**SB 339**, relative to regulatory reform. (Commerce, Small Business and Consumer Affairs)

**SB 351**, prohibiting the sale of certain products containing phosphorus. (Environment and Agriculture)

**SB 367**, authorizing the department of resources and economic development to sell the Nansen ski jump facility if no interest exists in the private sector to maintain and operate the facility. (Resources, Recreation and Development)

**SB 376-FN-A**, relative to congregate services programs. (Health, Human Services and Elderly Affairs)

**SB 378**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services. (Children, Youth and Juvenile Justice)

**SB 390**, establishing a revenue estimating conference which shall estimate anticipated state revenues. (Ways and Means)

**SB 393**, relative to infrastructure development and making appropriations therefor. (Economic Development)

**SB 411-FN**, relative to special education catastrophic aid. (Education)

**SB 414-FN**, authorizing a pilot program in one county for investigative services for attorneys providing counsel to indigent defendants. (Judiciary)

**SB 429**, relative to selecting engineers, architects, and surveyors by state agencies. (Executive Departments and Administration)

**SB 432-FN**, relative to motorcycle noise level limits. (Transportation)

**SB 436-FN-L**, relative to aid to the permanently and totally disabled and the property tax exemption for the blind. (Municipal and County Government)

**SB 437-FN**, relative to the New Hampshire Dental Service Corporation. (Commerce, Small Business and Consumer Affairs)

**SB 438-FN-A**, relative to the department of transportation equipment inventory fund and making an appropriation therefor. (Public Works)

**SB 441-FN-A**, establishing a statewide enhanced 911 system and continually appropriating a special fund. (Science, Technology and Energy)

**SB 443-FN**, requiring the division for children and youth services to develop, implement and administer an automated case management system. (Children, Youth and Juvenile Justice)

**SB 446-A**, authorizing construction of exit 10 on the Spaulding turnpike from bonds previously authorized and changing the classification of the Salmon Falls road in Rochester and Somersworth to class II. (Public Works)

**SB 450-FN**, relative to capital formation. (Economic Development)

**SB 452-FN-L**, redistricting certain district courts. (Judiciary)

**SB 469-FN**, relative to service retirement allowances and continuing education conferences for retirement system board of trustees. (Executive Departments and Administration)

**SB 473-FN-A**, relative to a fund for organ transplantation and transferring responsibility from vocational rehabilitation to the division of human services. (Health, Human Services and Elderly Affairs)

Rep. Gross moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 17

Thursday, March 19, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

Almighty God, as we gather together, so fill our lives with Your passion and hope, that in all our decisions we may be rightly guided, and in all of our relationships truly loving.

And on this wintry day we remember with special care all who need encouragement, all who lack food and clothing, all who are cold and cheerless and all who long for home and friendship.

Help us to be more willing to share the good things of life, and give us that generosity and concern for others that shall mark us as people of Your way. Amen.

Rep. Raynowska led the Pledge of Allegiance.

Christy Hobin of Winnacunnet High School sang the Star Spangled Banner.

### LEAVES OF ABSENCE

Reps. Anderson, Julie Brown, Fenton, Robert Kelley, Kinney, Morse, Pageotte, Parks, Thayer, Ann Torr and Holmes, the day, illness.

Reps. Arnold, Bucu, A. Gibb Dodge, Drake, Fair, Kincaid, Lovejoy, McIlwaine, Donald Messier, Pearson, Robinson, Trelfa, Upton, Weeks, Connell, Stapleton, Keith and Maviglio, the day, important business.

Reps. Clemons, Flanagan, Hynes, MacKinnon, Pantelakos and Skinner, the day, inclement weather.

Reps. Appleby and Whittemore, the day, illness in the family.

### INTRODUCTION OF GUESTS

The Earth Care Club and Principal George Cushing of the Rye Junior High School, guests of the Rye and New Castle Delegations. Stephen Garfield, guest of Rep. Shackett. Silas Bell, husband and guest of Rep. Bell. Christine Avery, guest of Rep. Stewart. Thirteen members of the Winnacunnet High School Boys Varsity Basketball Team, Coach Jack Ford, Tri Captains Tyler Walker, Trent Boggess and Adam Edgar and 15 cheerleaders, guests of the Seabrook, Hampton, North Hampton, South Hampton and Hampton Falls Delegations.

### HOUSE RESOLUTION NO. 65

memorializing State Representative John E. Splaine, Sr., of Portsmouth

WHEREAS, it is with great sorrow that we have learned of the death of our esteemed colleague, John E. Splaine, Sr., who was in the midst of his seventh term as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, faithfully and with integrity, John E. Splaine, Sr., did serve, his constituents of District 25 of Rockingham County, and

WHEREAS, for the seven bienniums between 1979 and the present, John E. Splaine, Sr., continuously did serve, with diligence and competence, as a member of the Standing Committee on Labor, Industrial and Rehabilitative Services, and at the time of his death was the senior member of that committee, and

WHEREAS, having been blessed with an abundance of community spirit, John E. Splaine, Sr., did serve as a member of the Portsmouth Democratic City Commission,

and several years on the Portsmouth Board of Registrars, including six years as Chairman, and

WHEREAS, having been born in Ellsworth, Maine, John E. Splaine, Sr., chose to settle in Portsmouth and ultimately did succeed his son, James Splaine, who had served five terms in the New Hampshire House before being elected to three State Senate terms, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that John E. Splaine, Sr., be granted highest praise and recognition for his fourteen years of outstanding and dedicated legislative and community service, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by risen vote of silence.

### COMMUNICATION

March 11, 1992

James Chandler, House Clerk

Please be advised that the following representative-elect was sworn into office by the Governor and Executive Council on this day:

Rockingham County District No. 28 (Portsmouth Ward 3 and Newington)

Lawrence A. Chase, Jr., r, Portsmouth (60 Manor Dr.) 03801

William M. Gardner, Secretary of State

### RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. Gross offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolutions numbered 63 and 64, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HRs

#### First, second reading and referral

**HR 63** proclaiming October 12, 1992, as Native American Day, which day also commemorates the 500th anniversary of the arrival of Christopher Columbus. (Bell of Rockingham Dist. 26; McIlwaine of Grafton Dist. 3; LaMar of Cheshire Dist. 16; M. Hill of Merrimack Dist. 14; Accornero of Belknap Dist. 10; L. Johnson of Hillsborough Dist. 37 - To State-Federal Relations)

**HR 64**, proclaiming Labor Day 1992 as "Help Yourself-Buy American Day". (M. Hill of Merrimack Dist. 14; R. Hawkins of Belknap Dist. 5; Podles of Dist. 16 - To Labor, Industrial and Rehabilitative Services.

### ENROLLED BILLS REPORT

**HB 1100**, establishing a housing assistance trust fund.

**HB 1328**, relative to the fiscal responsibilities of the county commissioners and the county convention for capital expenditures in Rockingham county.

Rep. Miriam Dunn for the Committee

### COMMITTEE ASSIGNMENTS

Rep. Knowles was assigned to the Committee on Judiciary.

Rep. Nordgren was assigned to the Committee on Legislative Administration.

Rep. Lawrence Chase was assigned to the Committee on Health, Human Services and Elderly Affairs.

## COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 394**, relative to the jurisdiction of the labor department over self-insured workers' compensation programs. OUGHT TO PASS.

Rep. J. Francis Laughlin for Labor, Industrial and Rehabilitative Services: The Committee feels this is a very good bill and since there is no fiscal impact to the state of New Hampshire, this bill was unanimously voted Ought to Pass by the Committee. Vote 10-0.

**SB 421-FN**, relative to fireworks. OUGHT TO PASS.

Rep. Richard D. Chasse for Public Protection and Veterans Affairs: Senate Bill 421, as amended by the Senate, is the result of a detailed study of fireworks by a broad-based committee of 11 persons, representing the legislative and executive branches, law enforcement and fire control activities, fireworks manufacturers, and a physician with expertise in the treatment of wounds and burns caused by fireworks. The mission of the committee was to determine which fireworks were the least dangerous and could, therefore, be considered "safe and sane" (permissible fireworks), and could, therefore, be made available to the general public. Seven classes of fireworks, plus certain sparklers, were approved by the committee as being "permissible fireworks" — these are listed in sections 160-B:1 and 160-B:16 of the RSAs. There is strong local control — each municipality may vote to allow, or disallow, the sale and use of "permissible fireworks;" the sale of permissible fireworks must be made from permanent structures, in accordance with local zoning ordinances and building codes. Sale of fireworks must be made by persons 21 years or older (18 years or older, if under direct supervision of a person older than 21 years), with detailed records made and maintained on each sale, and instructions must be issued on the safe use of fireworks. Fireworks displays remain under municipal control, after the displayer is granted a state "certificate of competency." The sale and use of special fireworks for agricultural, railroad, and military purposes may be approved by the Commissioner of Safety, only after initial approval of such a request by the municipality. Both district and superior courts may grant authority to law enforcement officers to seize and remove stocks of fireworks illegally offered for sale. Three new sections have been added: a section on "advertising the sale of fireworks;" a section requiring the distribution of a safety pamphlet at the time of fireworks' sale; and a section detailing the Commissioners' authority to immediately suspend any license, if there is evidence of the violation of the provisions of this chapter. The statute becomes effective on passage. The section on "permissible fireworks" will be repealed on April 1, 1994, unless action is taken prior to that date to revise the statute, or to reenact the statute. Vote 11-0.

## REGULAR CALENDAR

**SB 300**, reapportioning the New Hampshire congressional districts. OUGHT TO PASS.

Rep. Natalie S. Flanagan for Constitutional and Statutory Revision: The total deviation is less than one percent. No towns have been split. It is felt that the growth will not be too great over the next 10 years in these six towns. Vote 10-1.

Rep. Holden offered a floor amendment.

**Floor Amendment**

5349L

Amend the bill by replacing section 3 with the following:

3 Application of City Charter Amendments to November, 1992 State and Congressional Elections. Notwithstanding any provision of RSA 49-B:6, IV(b) all city charter amendments applicable to redistricting which do not have an earlier effective date than the effective date of this act shall become effective on the effective date of this act for the purpose of conducting the state general election to choose federal, state, and county officers to be held in November, 1992.

**AMENDED ANALYSIS**

This bill redraws the districts for electing representatives to the United States House of Representatives by moving the towns of Sanbornton, Tilton, Northfield, Canterbury, Loudon, and Chichester from the first to the second congressional district.

The bill also adds an application section for city charter amendments which are adopted prior to the November, 1992 election, which provides that such amendments applicable to redistricting which do not have an earlier effective date than the effective date of this act shall become effective on the effective date of the act for the purpose of conducting the state general election to be held in November, 1992.

Rep. Holden spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session. that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet March 26 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 394**, relative to the jurisdiction of the labor department over self-insured workers' compensation programs.

**SB 421-FN**, relative to fireworks.

**SB 300**, reapportioning the New Hampshire congressional districts.

**UNANIMOUS CONSENT**

Rep. Gross moved that Sen. Blaisdell's remarks be printed in the Journal.

Adopted.

Sen. Blaisdell addressed the House by unanimous consent.

Members of the House, Mr. Speaker, and Mr. President. In 22 years, I have never had this opportunity and it feels pretty good up here. Maybe I will reconsider running for the Senate in November; maybe you can swear me in as the Governor in November. I don't know, we'll see.

I thank you for this opportunity. I know it is rare. But, I would be remiss if I did not come before this body, one which I have a tremendous amount of respect for, and thank Majority Leader Caroline Gross, a great friend of mine and members of the



House Appropriations Committee and Minority Leader Mary Chambers for all the courtesy and help that was given to me in the past seven months. Obviously, it was not a very pleasant time for me and my family. Thank God for my wife, whom I love very dearly, and my children, Peter, Michael and Lucinda, my two grandchildren and the many, many friends from my area and throughout the state of New Hampshire who wrote to me and said prayers for me, gave me strength and helped me through what was probably the most difficult time of my life. God forbid it ever happens again. I don't think it ever will.

I would be remiss if I did not come before this body, one I have a tremendous amount of respect for, and thank you for all of the past things you have done for me. I want to put this behind me. I think that we in this State have a great problem facing us. I told the Attorney General this morning that I hold no animosity towards anyone. I'll use the old phrase from the technical foul book, Bill Kidder will tell you when he used to watch me referee, you call the technical foul, you shoot the shot and it's over. I want to put it behind me. So again, I thank you for this opportunity. I deem it a great honor and privilege to serve with you people in this great body. I love all of you. Thank you very much.

#### **AMENDMENT TO HOUSE RULES**

Rep. Rubin offered an amendment to the House Rules.

#### **HOUSE RESOLUTION NO. 66**

Amend House Rule 30 by adding the following sentence:

Each and every committee listed in Rule 29 shall have initial budget responsibility for the state agency or agencies with which it is charged with reviewing. Each committee will forward to the Appropriations Committee its proposed budget by the date established in Rule 67.

Amend House Rule 29 (x) by adding the following:

The Committee shall provide to the Standing Committees its estimates of the revenues available for the next biennium and the state of the Treasury for the current biennium.

Amend Rule 47 by adding the following:

The Committee on Appropriations and the Committee on Ways and Means will prepare a balanced spending plan with the appropriate ratio of funds allocated to each standing committee based on the prior biennium's expenditures.

Rep. Rubin spoke in favor.

Rep. Michael Hill spoke to the amendment.

#### **LAIID ON THE TABLE**

Rep. Rubin moved that **HR 66**, amending 1992 House Rules be laid on the table. Adopted.

#### **SENATE MESSAGE**

#### **REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 1148**, relative to technical corrections in certain tax laws. (Amendment printed SJ 10, 3/19/92)

Rep. Donna Sytek moved that the House concur and spoke in favor.

Adopted.

#### **UNANIMOUS CONSENT**

Rep. Hawkins addressed the House by unanimous consent.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 2:05 p.m.

#### RECESS

(Rep. Vogler in the Chair)

#### ENROLLED BILLS REPORT

**HB 1148**, relative to technical corrections in certain tax laws.

Sen. Currier, Rep. Dunn for the Committee

Rep. Michael Hill moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 18

Thursday, March 26, 1992

The House assembled at 1:00, the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, the Reverend Hayes Junkin, Pastor of St. Andrew's Episcopal Church of Hopkinton.

Behold New Hampshire!

Behold, O God, this our beloved State; the old, the young, the little children; rich and poor, strong and weak; the laborers and managers of industry; workers in classrooms, factories, farms, offices, government, and in homes; a people of many traditions, many creeds, divergent hopes and fears.

Behold New Hampshire, its mountains and sea coast, rivers and forests, its inland lakes and quiet wetlands. Its cities, towns, and villages. Upon this land, upon these people, pour down Thy life-giving spirit of nobility and truth. Where there is strife, bring co-operation for the common good. Where greed and envy abound, control us with that divine perspective which sees in every person the dignity of a growing soul. Where interests clash, set free in us the higher impulse of patriotism which seeks first our neighbor's welfare before we seek our own self-interest.

Behold, O Merciful God, this our State. Bless it, make it strong with Thy strength, and fill it with the beauty of Thy gracious gifts of freedom and justice for all. Amen.

Rep. Reidy led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Parks, Morse, Anderson, LaMar, Julie Brown and Pageotte, the day, illness.

Reps. David Young, David Flanders, Nelson, Drake, Markley, Haynes, MacKinnon, Behrens, Seward, Beverly Gage, Musler, Robinson and Tarpley-Bamberger, the day, important business.

Reps. Amidon, Appleby, Clemons, Klemm and Donald Messier, the day, illness in the family.

### INTRODUCTION OF GUESTS

Richard Stanton, guest of Rep. Parr. Chad Cook, son of Rep. Valerie Cook. Father Makarios Niakaros, Father Peter Chamberas and Vicki Zachos, guests of Rep. Tsiros. Lee Hurst, husband of Rep. Hurst. Greek Consul General Alexios Cogevina and Mrs. Cogevina, guests of Speaker Burns.

### RESOLUTION

Their introduction having been approved by the Rules Committee: Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1027-A and 1502 and House Resolution 67, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS AND HR

**HB 1027-A**, making supplemental appropriations for fiscal year 1992, (Hager of Merrimack Dist. 21 - to Appropriations)

**HB 1502**, relative to a non-binding state referendum question concerning a personal income tax. (D. Sytek of Rockingham Dist. 20 - to Ways and Means)

**HR 67**, urging the President of the United States to formally recognize the free and sovereign republic of Croatia. (Welch of Rockingham Dist. 10; Domaingue of Hillsborough Dist. 43 - to State-Federal Relations)

### EXTENSIONS

The Committee on Fish and Game requested a 14-calendar-day extension on **SB 445-FN**, establishing a committee to study issues relative to the fishing industry.

Granted.

The Committee on Commerce, Small Business and Consumer Affairs requested a seven-calendar-day extension on **SB 370**, relative to health insurance coverage for scalp hair prostheses.

Granted.

The Committee on State Institutions and Housing requested a seven-calendar-day extension on **SB 355**, requiring that deposits for the purchase or other disposition of manufactured housing be held in escrow accounts and relative to disposition of tenant's security deposits transferred due to foreclosures.

Granted.

### SENATE MESSAGES CONCURRENCE

**HB 338-FN**, prohibiting the detention of minors in adult correctional facilities and jails.

**HB 410-FN**, relative to alternatives to incarceration and requiring the commissioner of the department of safety to review and make legislative recommendations on the point system as it applies to habitual offenders.

**HB 564-FN**, enabling towns and cities to establish heritage commissions.

**HB 1121-FN**, authorizing contracting for the operation of the impaired pharmacist program and funding the program from annual license renewal fees.

**HB 1204**, requiring the director of motor vehicles to notify any seriously injured person when the director conducts a license revocation or suspension hearing regarding a motor vehicle accident involving a fatality or serious injury.

**HB 1210**, naming the Karner Blue butterfly the state butterfly.

**HB 1216**, allowing certain funds to be transferred to the new women's dormitory account at the New Hampshire technical institute.

**HB 1237**, revising statutory references to the New Hampshire Charitable Fund.

**HB 1265-FN**, An act regulating small motor mineral dredging and panning.

**HB 1282-FN**, relative to the transfer of registration between owned and leased vehicles.

**HB 1316-FN**, relative to hearings before the board of nursing.

**HB 1320**, extending the time for recording a foreclosure deed and affidavit after a foreclosure sale when such recording is prevented by order or stay of any court or law or the United States Bankruptcy Code.

**HB 1426**, An act authorizing water users registered and reporting their use to the division of water resources to continue such use for the 1992-93 biennium.

**HB 1442-LOCAL**, An act relative to a census of school age children.

**HB 1480-FN**, requiring persons who default on court appearances for motor vehicle offenses to pay witness fees for law enforcement officers.

**HCR 25**, encouraging the operators of cable television systems to utilize a portion of their capacity to deliver commercial-free educational programming.



**CONCURRENCE WITH AMENDMENT**

**SB 300**, reapportioning the New Hampshire congressional districts.

**NONCONCURRENCE**

**HB 422-FN**, relative to the use of excess campaign contributions by individuals who do not accept expenditure limitations.

**HB 716-FN**, An act relative to establishing a committee to study septic-related issues.

**HB 1262**, relative to the rulemaking authority of the bank commissioner.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1054-FN**, an act relative to the industrial development authority. (Amendment printed SJ 10, 3/19/92)

Rep. Trelfa moved that the House concur.

Adopted.

**HB 585-FN**, an act recodifying the laws relative to emergency medical services. (Amendment printed SJ 11, 3/24/92)

Rep. Robert Foster moved that the House concur.

Adopted.

**ENROLLED BILLS REPORT**

**HB 338**, prohibiting the detention of minors in adult correctional facilities and jails.

**HB 410**, relative to alternatives to incarceration and requiring the commissioner of the department of safety to review and make legislative recommendations on the point system as it applies to habitual offenders.

**HB 1121**, authorizing contracting for the operation of the impaired pharmacist program and funding the program from annual license renewal fees.

**HB 1204**, requiring the director of motor vehicles to notify any seriously injured person when the director conducts a license revocation or suspension hearing regarding a motor vehicle accident involving a fatality or serious injury.

**HB 1210**, naming the Karner Blue butterfly the state butterfly.

**HB 1216**, allowing certain funds to be transferred to the new women's dormitory account at the New Hampshire technical institute.

**HB 1237**, revising statutory references to the New Hampshire Charitable Fund.

**HB 1282**, relative to the transfer of registration between owned and leased vehicles.

**HB 1316**, relative to hearings before the board of nursing.

**HB 1320**, extending the time for recording a foreclosure deed and affidavit after a foreclosure sale when such recording is prevented by order or stay of any court or law or the United States Bankruptcy Code.

**HB 1426**, authorizing water users registered and reporting their use to the division of water resources to continue such use for the 1992-93 biennium.

**HB 1442**, relative to a census of school age children.

**SB 300**, reapportioning the New Hampshire congressional districts.

Sen. Currier, Rep. Dunn for the Committee

**COMMITTEE REPORTS****CONSENT CALENDAR**

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 306-FN-A**, allowing bonus payments in recognition of service during the Persian Gulf War and making an appropriation therefor, was removed at the request of Rep. Gross.

Consent Calendar adopted.

**SB 303**, establishing a committee to study the various options available to fund and deliver medical benefits for state employees and relative to the funding methodology of the retirement system. **OUGHT TO PASS.**

Rep. Robert L. Wheeler for Executive Departments and Administration: The Committee felt that a study committee could be quite beneficial to those parties who are negotiating. If this study committee develops new information it could then make this information available to both parties at the negotiation table. Vote 17-0.

**SB 307-FN**, authorizing disclosure of certain information contained in the records of the department of revenue administration to the office of reimbursements, division of mental health and developmental services. **OUGHT TO PASS.**

Rep. William P. Boucher for Executive Departments and Administration: The bill is truly a housekeeping measure legalizing the current exchange of information which the courts already make available to the general public. There was no opposition to the bill. Vote 15-0.

**SB 356**, relative to quality assurance records in nursing homes and health maintenance organizations. **OUGHT TO PASS.**

Rep. Thomas G. Cain for Health, Human Services and Elderly Affairs: This bill makes quality assurance records of quality assurance programs in nursing homes and health maintenance organizations confidential except in certain circumstances. The Committee feels this bill is important to bring nursing homes and health maintenance organizations into line, using the same controls that acute care hospitals now have. Vote 10-3.

**SB 401**, removing the exemption from jury service for physicians and surgeons. **INEXPEDIENT TO LEGISLATE.**

Rep. Bronwyn L. Asplund for Health, Human Services and Elderly Affairs: The Committee feels that this legislation is unnecessary and unwarranted. Removing the exemption from jury service for physicians and surgeons could be disastrous for people who rely on small, rural hospitals for health care. Vote 11-1.

**SB 361**, relative to the impact fee laws. **OUGHT TO PASS**

Rep. Karen O. Wadsworth for Municipal and County Government: SB 361 removes a redundancy overlooked when the impact fee bill was drafted and adopted during the last session. Vote 13-0.

**SB 388-L**, relative to preserving utility licenses on municipal and state discontinued highways. **OUGHT TO PASS**

Rep. Gabriel Daneault for Municipal and County Government: This bill is a housekeeping bill which reserves the right of utilities to have easements continue whenever class IV, V or VI highways are discontinued. All testimony was in favor of the bill. Vote 13-0.

**SB 412-FN-L**, relative to signage by nonprofit organizations in zoned commercial or industrial areas. **REFER FOR INTERIM STUDY.**

Rep. Gene G. Chandler for Public Works: Signs, Signs, Signs! The Committee, along with the Resources Committee, has dealt with a number of sign issues this year and we get a little more confused as we go along! State Statutes, Federal laws, State

and Federal rules, Department rules, etc. are in conflict with each other. House Bill 1415 dealing with logo signs on Interstates and other highways was sent to Interim Study and the Committee wishes Senate Bill 412 and any other sign bills be sent to Interim Study where all these sign issues may be dealt with and produce recommendations for the next session of the Legislature. Vote 12-2.

### REGULAR CALENDAR

**SB 313**, relative to gender balance on boards and commissions. **OUGHT TO PASS.**

Rep. Cynthia A. McGovern for Executive Departments and Administration: This bill attempts to address an inequitable situation which many feel exists concerning the gender balance of appointments made to boards, commissions, agencies, etc. in the State of New Hampshire. Vote 13-3.

Adopted.

Ordered to third reading.

**SB 459-FN**, limiting increases in electric rates. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Charles C. Vogler for the Majority of Science, Technology and Energy: Senate Bill 459 would place an absolute cap on the electric rates of both the New Hampshire Electric Cooperative and PSNH regardless of utility costs or any other factor. The Majority of the Committee believes this is unquestionably unconstitutional. In addition, this bill would be in direct conflict with the consensual agreement recently reached by the REA, PSNH, the NH Electric Coop. and the State and approved just last Tuesday by Judge Yankos. Finally, and perhaps most important, is the fact that so far PSNH has maintained electric rates at or below the 5.5 percent per year nominal rate plan contained in RSA 362-C. Therefore, the Majority believes, "if it ain't broke, don't try and fix it." Vote 8-5.

Reps. Gary R. Gilmore, Amanda A. Merrill, David C. Allison and Philip M. Ackerman for the Minority of Science, Technology and Energy: Committee action on Senate Bill 459 occurred with unprecedented haste. The Majority argues that presently there is no problem, but the Minority points out that within a few months after the reorganization of PSNH in May 1991 the cost of electricity went from 8.27 cents per kilowatt hour to 10.3 cents per kilowatt hour. With PSNH ratepayers already paying one of the highest electric rates in the country and at a time of serious economic problems in New Hampshire it seems appropriate to cap annual rate increases at 5.5 percent.

Rep. Chambers moved that the words Ought to Pass be substituted for the report of the Committee, Inexpedient to Legislate.

Reps. Amanda Merrill and Chambers spoke in favor and yielded to questions.

Reps. Vogler, Rodeschin and Gross spoke against and yielded to questions.

Rep. Burling requested a quorum count.

The Speaker declared a quorum present.

Reps. Leonard Smith and Trombly spoke in favor.

Rep. Ferlan spoke against

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

Reps. Daigle and Marilyn Campbell declared that a conflict of interest existed and they did not participate.

**YEAS 130****NAYS 220****YEAS 130****BELKNAP**

Joscelyn, William W.

Maviglio, Steven R.

Salatiello, Thomas B.

**CARROLL**

None

**CHESHIRE**

Champagne, Richard L.

Clark, Eugene W.

DePecol, Benjamin J.

Doucette, Richard F.

Foster, Katherine D.

Kingsbury, H. Thayer

Lynch, Margaret A.

Pratt, Irene A.

**COOS**

Hawkinson, Marie C.

Mayhew, Josephine

**GRAFTON**

Arnesen, Deborah L.

Chambers, Mary P.

Copenhaver, Marion L.

Dow, David

Guest, Robert H.

LaMott, Paul I.

McIlwaine, Deborah P.

Nordgren, Sharon L.

**HILLSBOROUGH**

Ackerman, Philip M.

Andrews, Frederick B.

Asselin, Robert P.

Baker, George H., Sr.

Baldizar, Barbara J.

Baroody, Benjamin C.

Bourque, Ann J.

Buckley, Raymond

Chasse, Richard D.

Cook, Valerie S.

Cote, David E.

Crotty, Edward J.

Domaingue, Jacquelyn M.

Donovan, Francis X.

Drabinowicz, A. Theresa

Drolet, Paul L.

Durham, Susan B.

Dwyer, Patricia R.

Elliott, Larry G.

Ferguson, Charles

Gage, Ruth E.

Gosselin, Gerald O.

Green, Scott E.

Gureckis, Adam C., Sr.

Haettenschwiller, Alphonse

Hanselman, Gregory L.

Janas, Gregory

Jean, Romeo W.

Johnson, Lionel W.

Jordan, Mary H.

Kelley, Dana F.

King, Frank P.

Larochelle, Roger B.

Laughlin, J. Francis

Leclerc, Charles J.

Lefebvre, Roland J.

Lozeau, Donnalee M.

Martin, Mary Ellen

McDowell, James E.

Messier, Irene M.

Murphy, Robert E.

Nardi, Theodora P.

O'Rourke, Joanne A.

Packard, Bonnie B.

Paquette, Rodolphe G.

Reidy, Frank J.

Rodgers, G. Philip

Smith, Leonard A.

Soucy, Donna M.

Tate, Joan C.

Upton, Barbara A.

White, John M.

**MERRIMACK**

Barberia, Richard A.

Braiterman, Thea

Daneault, Gabriel J.

Dunn, Miriam D.

Fillion, Paul R.

Jacobson, Alf E.

Johnson, Joyce M.

Letourneau, George E.

Molner, Mary E.

Smith, Gerald R.

Soldati, Jennifer G.

Teague, Bert

Trombly, Rick A.

Wallner, Mary Jane

Yeaton, Charles B.

**ROCKINGHAM**

Bell, Juanita L.

Casswell, Albert, Jr.

Christie, Andrew, Jr.

Chulack, Peter G., Sr.

Clark, Martha Fuller

Conroy, Janet M.

Dowd, Sandra K.

Griebsch, Linda

Hurst, Sharleene P.

Hynes, Carolyn E.

Kane, Cecelia D.

Lovejoy, Virginia K.



McGovern, Cynthia A.  
 Pantelakos, Laura C.  
 Terninko, Margaret B.

McKinney, Betsy  
 Rosencrantz, James R.  
 Vaughn, Charles L.

Melnick, Roy E.  
 Syracuse, Anthony  
 Warburton, Calvin

### STRAFFORD

Gilmore, Gary R.  
 Jankowski, Peter M.  
 Knowles, William V.  
 O'Brien, John  
 Sullivan, Henry P.  
 Wheeler, Katherine W.

Hambrick, Patricia A.  
 Keans, Sandra B.  
 McCann, William H., Jr.  
 Pelley, Janet R.  
 Vincent, Francis C.

Hashem, Elaine M.  
 Kincaid, William K.  
 Merrill, Amanda A.  
 Spencer, Leo J.  
 Wall, Janet G.

### SULLIVAN

Allison, David C.  
 Stamatakis, Carol M.

Burling, Peter Hoe  
 Walsh, Robert R.

Harland, Jane A.

### NAYS 220 BELKNAP

Accornero, Harry  
 Campbell, Richard H., Jr.  
 Hawkins, Robert S.  
 Rice, Thomas E. P., Jr.  
 Turner, Robert H.  
 Ziegler, Alice S.

Bartlett, Gordon E.  
 Dewhirst, Glenn E.  
 Holbrook, Robert G.  
 Rosen, Ralph J.  
 Vogler, Charles C.

Cain, Thomas G.  
 Golden, Paul A.  
 Johnson, Carl R.  
 Shibley, Arnold P.  
 Zaharchuk, Peter J., Jr.

### CARROLL

Allard, Nanci A.  
 Chandler, Gene G.  
 Dodge, A. Gibb, Jr.  
 Saunders, Howard N.

Beach, Mildred A.  
 Daly, Robert J., Jr.  
 Foster, Robert W.  
 Wiggin, Allen R.

Bradley, Jeb E.  
 Dickinson, Howard C.  
 Jean, Robert R.  
 Wiggin, Gordon E.

### CHESHIRE

Burnham, Daniel M.  
 Feuer, Joseph N.  
 Hunt, John B.  
 Metzger, Katherine H.  
 Perry, David M.

Cole, Stacey W.  
 Grodin, Richard A.  
 Kennison, Wayne A.  
 Mohr, Frederick C., Jr.  
 Sawyer, Alfred P.

Crutchley, Donald O.  
 Hogan, James B.  
 Laurent, John J.  
 Pearson, Gertrude B.

### COOS

Brungot, Catherine V.  
 Guay, Lawrence J.  
 Marsh, Beaton  
 Pratt, Leighton C.

Buckley, C. Fitzgerald  
 Horton, Lynn C.  
 Merrill, Gerald P.  
 Theriault, Romeo J.

Coulombe, Henry W.  
 Kilbride, Dennis J.  
 Oliver, Terry D.

### GRAFTON

Adams, Carl S.  
 Brown, Patricia B.  
 Hill, Richard L.  
 Nielsen, Niels F., Jr.  
 Stewart, Roger D.  
 Wadsworth, Karen O.

Bean, Pamela B.  
 Christy, C. Dana  
 Larson, Nils H., Jr.  
 Scanlan, David M.  
 Teschner, Douglass P.  
 Ward, Kathleen W.

Brown, Channing T.  
 Driscoll, William J.  
 Lougee, Richard W.  
 Shackett, Ralph E.  
 Trelfa, Richard T.  
 White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
 Bowers, Dorothy C.  
 Cowenhoven, Garret P.  
 Desrosiers, William J.  
 Emerton, Lawrence A.  
 Fields, Dennis H.  
 Goulet, Maurice E.  
 Healy, Walter F.  
 Jasper, Shawn N.  
 Kurk, Neal M.  
 Lawrence, Eva M.  
 Mason, Howard F.  
 McRae, Karen K.  
 Ouellette, Robert O.  
 Record, Alice B.  
 Rothhaus, Finlay C.  
 Steiner, Lee Anne  
 Vanderlosk, Stanley R.  
 Wright, George W.

Alukonis, David J.  
 Calawa, Leon, Jr.  
 Daniels, Gary L.  
 Dodge, Emma M.  
 Fenton, James J.  
 Ford, Nancy M.  
 Greenglass, Alan B.  
 Holden, Carol H.  
 Keane, Cornelius J.  
 L'Heureux, Robert J.  
 Lawrence, Norman B.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Pepino, Leo P.  
 Rheault, Lillian I.  
 Sallada, Roland A.  
 Stiles, Walter A.  
 Wheeler, David K.

Arnold, Barbara E.  
 Carpenter, Karen A.  
 Desrochers, Gerard T.  
 Dyer, Merton S.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Healy, Daniel J.  
 Hultgren, David D.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lown, Elizabeth D.  
 McNerney, Daniel P.  
 Moore, Elizabeth A.  
 Peters, Stanley W.  
 Riley, Frances L.  
 Searles, Stanley N., Sr.  
 Turgeon, Roland M.  
 Wheeler, Robert L.

**MERRIMACK**

Apple, Lowell D.  
 Carter, Susan D.  
 Christie, Thomas J.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Weeks, John F., Jr.

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Lockwood, Robert A.  
 Stapleton, Henry F.  
 Whittemore, James A.

Boucher, Laurent J.  
 Chandler, John P.  
 Feuerstein, Martin  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Kidder, William F.  
 Millard, Elizabeth S.  
 Stio, Peter M.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Coffey, John J.  
 Cote, Patricia L.  
 Dube, LeRoy S.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hutchinson, Karen K.  
 Katsakiores, Phyllis  
 McCain, William F.  
 Palazzo, Frank J.  
 Roulston, Donald L.  
 Schmidtchen, Rowland H.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Welch, David A.

Benton, Richardson D.  
 Connell, David R.  
 DiPietro, Carmela M.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 McCarthy, John J., Jr.  
 Parr, Ednapearl F.  
 Rubin, George R.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Wells, Henry E.

Boucher, William P.  
 Cooke, Annette M.  
 Dowling, Patricia A.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Hoelzel, Kathleen M.  
 Katsakiores, George N.  
 Malcolm, Kenneth W.  
 Packard, Sherman A.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Woods, Deborah L.

**STRAFFORD**

Bickford, Drucilla  
 Flynn, Edward J.  
 Kinney, Paula J.  
 Nehring, William H.  
 Tsiros, William

Corte, Arthur B.  
 Foss, Patricia H.  
 Marston, Robert E.  
 Torr, Ann M.  
 Young, John B.

Douglass, Clyde J.  
 Frechette, Roland A.  
 Martling, W. Kent  
 Torr, Ralph W.

**SULLIVAN**

Domini, Irene C.  
 Lindblade, Eric N.  
 Porter, Robert H.

Flint, Gordon B.  
 Middleton, John A.  
 Rodeschin, Beverly T.

Krueger, Richard H.  
 Peyron, Fredrik  
 Schotanus, Merle W.

and the motion failed.

Majority report adopted.

**SB 306-FN-A**, allowing bonus payments in recognition of service during the Persian Gulf War and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leroy C. Thayer for Public Protection and Veterans Affairs: The granting of a cash bonus for wartime service has been traditional in New Hampshire, precedent starting with World War I. On relatively short notice in late 1990, "citizen-soldiers," members of the New Hampshire National Guard and Federal reserve units (Army, Navy and Marine Corps) answered the call to colors, leaving families, children, farms, firesides, jobs, and education behind. They performed their military duties in an outstanding manner, notwithstanding the handicaps cause by climate and terrain. For a number of members, on their return to New Hampshire, the jobs had disappeared, due to closing of business activities. For others, active duty meant a substantial reduction in income, from their peacetime salary to the military pay scale; some returnees had to seek financial aid from a welfare fund established by the Cabletron Corp., for the sole purpose of aiding returned service personnel. To be awarded the bonus, NH military personnel have to be awarded the Southwest Asia Service Medal, indicating their presence in the Persian Gulf area, during a certain time frame. The Committee was firmly convinced that all members of the New Hampshire National Guard and Reserve troop units faced the same dangers in combat, that they served well and faithfully, and that they should therefore receive the bonus, regardless of their place and residence. (New Hampshire National Guard and Federal reserve units, based in New Hampshire, include some members who actually do not reside in New Hampshire). Action has been taken to assure that members of New Hampshire military units, who are residents of another state, do not seek a bonus from New Hampshire, if they have already received a bonus from their state of residence. The individual applications for bonus payment will be screened by the State Veterans Council, and payment will be made through the medium of a 5-year bond issue of \$350,000. Vote 10-0.

5338L

**Amendment**

Amend RSA 115-A:9 as inserted by section 1 of the bill by replacing it with the following:

115-A:9 Qualifications for Bonus. Each person who actively served in any capacity as a member of the armed forces of the United States between August 2, 1990, and a date to be determined by the Secretary of Defense, and who earned the Southwest Asia Service Medal (SASM); and who was discharged, released or has a certificate of

service therefrom, under honorable conditions, or who is missing in action; and who at the time of entry on such active service, and at the time of such service was a bona fide resident of this state shall be entitled to the benefits provided under this subdivision. Residents of other states who were activated and served with a New Hampshire based National Guard or reserve unit shall also qualify. No individual who has received a Persian Gulf War bonus payment from another state shall be qualified to receive the benefits provided under this subdivision.

Adopted.

**(Rep. Gross in the Chair)**

Reps. Murphy and Jasper spoke against the Committee report and yielded to questions.

**(Rep. Michael Hill in the Chair)**

Reps. Benton and Fenton spoke in favor and yielded to questions.

Reps. Searles and Paul White spoke in favor.

**(Speaker Burns in the Chair)**

On a division vote, 162 members having voted in the affirmative and 179 in the negative, the adoption of the Committee report failed.

**LAI D ON THE TABLE**

Rep. Jasper moved that **SB 306-FN-A**, allowing bonus payments in recognition of service during the Persian Gulf War and making an appropriation therefor be laid on the table.

On a division vote, 178 members having voted in the affirmative and 145 in the negative, the motion was adopted.

**MOTION TO REMOVE FROM THE TABLE**

Rep. Benton moved that **SB 306-FN-A**, allowing bonus payments in recognition of service during the Persian Gulf War and making an appropriation therefor, be removed from the table.

On a division vote, 123 members having voted in the affirmative and 216 in the negative, the motion failed.

**SUSPENSION OF RULES**

Reps. Gross and Chambers moved that the Rules be so far suspended as to permit consideration at the present time of **HB 1027-A**, making supplemental appropriations for fiscal year 1992.

Reps. Hager and Gross spoke in favor.

Adopted by the necessary two-thirds.

Rep. Hager moved that **HB 1027** be ordered to third reading.

Adopted.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet April 2, 1992 at 1:00 p.m.

Adopted.



**LATE SESSION****Third reading and final passage**

**SB 303**, establishing a committee to study the various options available to fund and deliver medical benefits for state employees and relative to the funding methodology of the retirement system.

**SB 307-FN**, authorizing disclosure of certain information contained in the records of the department of revenue administration to the office of reimbursements, division of mental health and developmental services.

**SB 356**, relative to quality assurance records in nursing homes and health maintenance organizations.

**SB 361**, relative to the impact fee laws.

**SB 388-L**, relative to preserving utility licenses on municipal and state discontinued highways.

**SB 313**, relative to gender balance on boards and commissions.

**HB 1027-A**, making supplemental appropriations for fiscal year 1992.

**UNANIMOUS CONSENT**

Rep. Domaingue addressed the House by unanimous consent.

Rep. Parr moved that the remarks of Rep. Domaingue be printed in the Journal.

Roll call request sufficiently seconded.

The question being the motion to print the remarks in the Journal

**YEAS 187****NAYS 138****YEAS 187****BELKNAP**

Accornero, Harry  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Joscelyn, William W.  
Rosen, Ralph J.  
Zaharchuk, Peter J., Jr.

Maviglio, Steven R.  
Salatiello, Thomas B.

**CARROLL**

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.  
Wiggin, Gordon E.

Daly, Robert J., Jr.  
Jean, Robert R.

Dickinson, Howard C.  
Wiggin, Allen R.

**CHESHIRE**

Burnham, Daniel M.  
Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Pratt, Irene A.

Clark, Eugene W.  
Doucette, Richard F.  
Hunt, John B.  
Lynch, Margaret A.

Cole, Kenneth A.  
Foster, Katherine D.  
Kingsbury, H. Thayer  
Mohr, Frederick C., Jr.

**COOS**

Coulombe, Henry W.

Hawkinson, Marie C.

Horton, Lynn C.

**GRAFTON**

Adams, Carl S.  
Chambers, Mary P.  
Dow, David  
Larson, Nils H., Jr.  
Shackett, Ralph E.

Arnesen, Deborah L.  
Christy, C. Dana  
Guest, Robert H.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

Bean, Pamela B.  
Copenhaver, Marion L.  
Hill, Richard L.  
Nordgren, Sharon L.

**HILLSBOROUGH**

Alukonis, David J.  
 Baroody, Benjamin C.  
 Calawa, Leon, Jr.  
 Crotty, Edward J.  
 Desrochers, Gerard T.  
 Drabinowicz, A. Theresa  
 Dwyer, Patricia R.  
 Emerton, Lawrence A.  
 Gagnon, Eugene L.  
 Green, Scott E.  
 Hultgren, David D.  
 Kelley, Robert N.  
 L'Heureux, Robert J.  
 Laughlin, J. Francis  
 Lefebvre, Roland J.  
 McDowell, James E.  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Rodgers, G. Philip  
 Tate, Joan C.  
 Vanderlosk, Stanley R.

Arnold, Barbara E.  
 Bourque, Ann J.  
 Carpenter, Karen A.  
 Daigle, Robert A.  
 Domaingue, Jacquelyn M.  
 Drolet, Paul L.  
 Dyer, Merton S.  
 Ford, Nancy M.  
 Gosselin, Gerald O.  
 Gureckis, Adam C., Sr.  
 Janas, Gregory  
 King, Frank P.  
 Lachut, Ervin R.  
 Lawrence, Eva M.  
 Lozeau, Donnalee M.  
 McNerney, Daniel P.  
 Murphy, Robert E.  
 Packard, Bonnie B.  
 Smith, Leonard A.  
 Turgeon, Roland M.  
 Wheeler, David K.

Asselin, Robert P.  
 Buckley, Raymond  
 Chasse, Richard D.  
 Daniels, Gary L.  
 Donovan, Francis X.  
 Durham, Susan B.  
 Elliott, Larry G.  
 Gage, Ruth E.  
 Goulet, Maurice E.  
 Hanselman, Gregory L.  
 Keane, Cornelius J.  
 Kurk, Neal M.  
 Larochelle, Roger B.  
 Lawrence, Norman B.  
 Martin, Mary Ellen  
 Mercer, Robert S.  
 Nardi, Theodora P.  
 Rheault, Lillian I.  
 Soucy, Donna M.  
 Upton, Barbara A.  
 White, John M.

**MERRIMACK**

Apple, Lowell D.  
 Carter, Susan D.  
 Daneault, Gabriel J.  
 Gross, Caroline L.  
 Johnson, C. William  
 Molner, Mary E.  
 Soldati, Jennifer G.  
 Whittemore, James A.

Barberia, Richard A.  
 Chandler, John P.  
 Dunn, Miriam D.  
 Hall, Douglas E.  
 Johnson, Joyce M.  
 Nichols, Avis B.  
 Trombly, Rick A.  
 Yeaton, Charles B.

Braiterman, Thea  
 Christie, Thomas J.  
 Fair, Patricia A.  
 Jacobson, Alf E.  
 Letourneau, George E.  
 Smith, Gerald R.  
 Wallner, Mary Jane

**ROCKINGHAM**

Boucher, William P.  
 Chulack, Peter G., Sr.  
 Conroy, Janet M.  
 Dowling, Patricia A.  
 Hoar, John, Jr.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Rubin, George R.  
 Smith, Arthur W.  
 Terninko, Margaret B.

Caswell, Albert, Jr.  
 Clark, Martha Fuller  
 Cooke, Annette M.  
 Dube, LeRoy S.  
 Hynes, Carolyn E.  
 Katsakiores, Phyllis  
 Malcolm, Kenneth W.  
 Pantelakos, Laura C.  
 Rosencrantz, James R.  
 Senter, Marilyn P.  
 Syracuse, Anthony  
 Vaughn, Charles L.

Christie, Andrew, Jr.  
 Coffey, John J.  
 DiPietro, Carmela M.  
 Griebisch, Linda  
 Kane, Cecelia D.  
 Klemarczyk, Thaddeus E.  
 McGovern, Cynthia A.  
 Parr, Edna Pearl F.  
 Roulston, Donald L.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Welch, David A.

**STRAFFORD**

Frechette, Roland A.  
 Jankowski, Peter M.

Gilmore, Gary R.  
 Kincaid, William K.

Hashem, Elaine M.  
 Knowles, William V.

McCann, William H., Jr.  
O'Brien, John  
Vincent, Francis C.

Merrill, Amanda A.  
Pelley, Janet R.  
Young, John B.

Nehring, William H.  
Spencer, Leo J.

### **SULLIVAN**

Allison, David C.  
Harland, Jane A.

Burling, Peter Hoe  
Middleton, John A.

Domini, Irene C.  
Stamatakis, Carol M.

### **NAYS 138**

### **BELKNAP**

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Holbrook, Robert G.  
Vogler, Charles C.

Cain, Thomas G.  
Golden, Paul A.  
Johnson, Carl R.  
Ziegra, Alice S.

Campbell, Richard H., Jr.  
Hawkins, Robert S.  
Shibley, Arnold P.

### **CARROLL**

Allard, Nanci A.  
Saunders, Howard N.

Beach, Mildred A.

Chandler, Gene G.

### **CHESHIRE**

Champagne, Richard L.  
Feuer, Joseph N.  
Metzger, Katherine H.

Cole, Stacey W.  
Grodin, Richard A.  
Perry, David M.

DePecol, Benjamin J.  
Kennison, Wayne A.  
Sawyer, Alfred P.

### **COOS**

Brungot, Catherine V.  
Marsh, Beaton  
Theriault, Romeo J.

Guay, Lawrence J.  
Merrill, Gerald P.

Kilbride, Dennis J.  
Oliver, Terry D.

### **GRAFTON**

Brown, Patricia B.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.  
White, Paul R.

Driscoll, William J.  
Scanlan, David M.  
Wadsworth, Karen O.

Lougee, Richard W.  
Stewart, Roger D.  
Ward, Kathleen W.

### **HILLSBOROUGH**

Ackerman, Philip M.  
Bowers, Dorothy C.  
Desrosiers, William J.  
Ferguson, Charles  
Greenglass, Alan B.  
Holden, Carol H.  
Johnson, Lionel W.  
Lown, Elizabeth D.  
McRae, Karen K.  
Pepino, Leo P.  
Rothhaus, Finlay C.  
Stiles, Walter A.

Ahrens, Frederick G.  
Cook, Valerie S.  
Dodge, Emma M.  
Ferlan, Arthur P.  
Haettenschwiller, Alphonse  
Jasper, Shawn N.  
Kelley, Dana F.  
Mason, Howard F.  
Moore, Elizabeth A.  
Peters, Stanley W.  
Sallada, Roland A.  
Wheeler, Robert L.

Andrews, Frederick B.  
Cowenhoven, Garret P.  
Fenton, James J.  
Fields, Dennis H.  
Healy, Walter F.  
Jean, Romeo W.  
Leclerc, Charles J.  
McCann, Bonnie Lou  
Paquette, Rodolphe G.  
Record, Alice B.  
Searles, Stanley N., Sr.  
Wright, George W.

### **MERRIMACK**

Asplund, Bronwyn L.  
Feuerstein, Martin

Boucher, Laurent J.  
Fillion, Paul R.

Chandler, Earle W.  
Gilbreth, Robert M.

Hager, Elizabeth S.  
Kidder, William F.  
Stapleton, Henry F.

Hill, Michael J.  
Lewis, Mary Ann  
Stio, Peter M.

Holmes, Mary C.  
Lockwood, Robert A.  
Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Hoelzel, Kathleen M.  
McCain, William F.  
Packard, Sherman A.  
Schmidtchen, Rowland H.  
Thayer, Leroy C.  
Wells, Henry E.

Bell, Juanita L.  
Connell, David R.  
Flanagan, Natalie S.  
Ford, Bert H.  
Hutchinson, Karen K.  
McCarthy, John J., Jr.  
Palazzo, Frank J.  
Simon, Peter M.  
Tufts, Arthur

Benton, Richardson D.  
Cote, Patricia L.  
Flanders, Harry E.  
Greene, Elizabeth A.  
Johnson, Robert A.  
Melnick, Roy E.  
Schanda, Joseph, Sr.  
Sytek, Donna P.  
Warburton, Calvin

### STRAFFORD

Douglass, Clyde J.  
Hambrick, Patricia A.  
Marston, Robert E.  
Tsiros, William

Flynn, Edward J.  
Keans, Sandra B.  
Martling, W. Kent  
Wheeler, Katherine W.

Foss, Patricia H.  
Kinney, Paula J.  
Torr, Ralph W.

### SULLIVAN

Flint, Gordon B.  
Peyron, Fredrik  
Schotanus, Merle W.

Krueger, Richard H.  
Porter, Robert H.

Lindblade, Eric N.  
Rodeschin, Beverly T.

and the motion was adopted.

Rep. Domainque: Thank you Mr. Speaker. We had a long discussion today about SB 459 regarding capping utility rates. One common thread that ran through from both sides was protection of the best interests of the ratepayer. I hope it is not a thread that we will forget. Unfortunately, some of the people involved in this argument from day one have been labeled anti-Seabrook and members of the Clamshell Alliance when they weren't. I voted in favor of SB 459 and I'm not on a list anti-Seabrookers or on that of the Clamshell Alliance. But you will find my name on another list, and that is on the list of former ratepayers of Northeast Utility bills in the state of Connecticut. I don't think there was another person here today in the argument who got up and could speak from experience of having paid utility bills in the state of Connecticut. Well, I can. The reason I'm here right now is because in watching my husband, myself and still my father pay those bills, I very clearly recall the sales pitch that came in the bill from a utility company that built nuclear power plant after nuclear power plant. The Connecticut rates were going up because they needed to build another nuclear power plant, but ultimately your rates would go down because that was what nuclear power was all about, saving energy. I'm not going to bore you with the statistics but the rates did not go down. I've paid their bills; I've heard their sales pitch. I don't trust them one bit. You have a Public Utilities Commission in the state of New Hampshire and I am here right now because this was the best way, I felt, to get my message across as a former ratepayer of Northeast Utilities bills in the state of Connecticut that has four nuclear power plants. Please avail yourselves of every opportunity, both sides, to show up at those rate hearings and speak as strongly for your consumers and your ratepayers as both sides spoke today. Because when Northeast



Utilities comes in with its rate hikes, and it will at regular intervals, crying about its high costs, each of you need to be there with the same strength on behalf of your ratepayers that you felt today when you placed your vote. The first entity that I expect to see holding Northeast Utilities accountable for holding down the rate, will be the state's largest newspaper. If it is as concerned as it claimed in its editorials for keeping rates stable, level and reasonable then it should have, and you should have, no trouble at all holding Northeast Utilities accountable for it end of the agreement. Thank you.

### SUSPENSION OF RULES

Rep. Martling moves that the rules be so far suspended as to permit a hearing on Section 2 of **SB 339**, requiring the superior court to submit a plan to the general court to establish a division to hear cases involving corporate and commercial matters.

Rep. Martling spoke in favor.

Adopted by the necessary two-thirds.

Rep. Gross moved that the House stand in recess for the purpose of non-concurring with Senate amendments and requesting Committees of Conference, introduction of bills and enrolling reports only.

Adopted.

The House recessed at 4:25 p.m.

### RECESS

(Rep. Channing Brown in the Chair)

### SENATE MESSAGES

### CONCURRENCE

**HB 534-FN**, amending the habitual offender penalties to provide for special alternative incarceration.

**HB 783**, relative to motor vehicle records and DWI convictions.

**HB 1163**, relative to a public employee's right to require that a nonpublic session under the right-to-know law be open to the public.

**HB 1359**, relative to the confidentiality of police personnel files in criminal cases.

**HB 1440-FN-L**, relative to preparation of master jury lists by the department of safety from drivers' licenses lists.

**HB 1499-FN**, relative to inter-track wagering and the conduct of simulcast racing.

### NONCONCURRENCE

**HB 762-FN**, to incorporate the inhabitants of the northeasterly part of Laconia into a separate town to be known as Weirs Beach, with all the privileges and immunities of other towns in this state.

**HB 1297**, establishing a committee to study the issue of protecting personal information.

**HB 1485-FN**, relative to children and family services, requiring the division for children and youth services to use reasonable efforts to preserve families while providing services designed to protect children.

### ENROLLED BILLS REPORT

**HB 1499**, relative to inter-track wagering and the conduct of simulcast racing.

Rep. Miriam Dunn, for the Committee

Rep. Channing Brown moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 19

Thursday, April 2, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O Gracious God, we see the presence of Your life in the beauty of the seasons, through the human longing for justice and well-being, and in lives that are rich with gentleness and hope.

Be with Your servants in this place; bless their loved ones and families, and make their homes sanctuaries of love and peace where they may find spiritual resources for the strain and pressure of their duties here.

Grant us wisdom and patience, that this day's work may be done well and to your glory. Amen.

Rep. Allard led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Trombly, LaMar, DePecol, Gosselin, Simon, Parr, Pageotte, Parks and Morse, the day, illness.

Reps. Steiner, Shackett, Mayhew, Crotty, Harland, Marsh, Baldizar, Jacobson, Betty Hall, Bean, Baroody, Nordgren, Beverly Gage, Haynes, Pantelakos, Palazzo and Burns, the day, important business.

Rep. Klemm, the day, death in the family.

Rep. Appleby, the day, illness in the family.

### INTRODUCTION OF GUESTS

Ann Harey, daughter of Rep. Metzger. Kathleen Neville, granddaughter of Rep. D. Healy. Linda Ann Smith, Tom Gould, Matilda Desaulnier, Andrew Fellows, Michele Theberge Sanborn and Emily Conley, guests of Rep. Salatiello. Loretta McKinney, mother of Rep. McKinney. Elizabeth Bickford, Ines Ferriter and Dorothy Flint, guests of Rep. Flint. Eighteen exchange students from Wegberg, Germany, guests of the Concord Delegation. Former Rep. Fred Murray of Peterborough, guest of the Peterborough Delegation. Barbara Puls, N. H. Liaison from NCSL, guest of Rep. Michael Hill.

### EXTENSION

The Committee on Judiciary requested a 14-calendar-day extension on **SB 427-FN**, requiring the registration of sexual offenders.

Granted.

### SENATE MESSAGES

#### CONCURRENCE

**HB 285-A**, relative to constructing regional vocational centers and making an appropriation therefor.

**HB 326-FN**, relative to disciplinary hearings before the pharmacy board.

**HB 503**, relative to recovery of medical assistance payments.

**HB 545**, reapportioning the executive council districts.

**HB 562**, extending the surgical authority of podiatrists.

**HB 569**, to reapportion county commissioner districts.

**HB 714-FN**, relative to a life saver i.d. program.

**HB 1107-L**, requiring that tax collectors provide property owners with notices of arrearages for property taxes.

**HB 1119**, relative to the New Hampshire automated information system board.

**HB 1144**, relative to the examination of school bus operators.

**HB 1152**, authorizing the office of child support enforcement services, a dependent child or his parent or guardian to receive directly from a health insurer a certificate of insurance covering any dependent child.

**HB 1207**, exempting hospice houses from certificate of need review.

**HB 1261-FN-A**, requiring the department of transportation to conduct a study relative to the construction of certain portions of U.S. Route 3.

**HB 1286-FN-**, allowing antique motor vehicles other than antique motorcycles to be registered at a prorated rate.

**HB 1341-FN-L**, clarifying the terms "subsequent tax" and "registered" and "certified" mail for purposes of certain property tax laws.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 1323-L**, forming a study committee to develop a survey to be used by the department of education to collect and compile information regarding major school construction projects. (Amendment printed SJ 10, 3/19/92)

Rep. Skinner moved that the House concur.

Adopted.

**HB 1209**, an act establishing a committee to study the real estate valuation and revaluation process. (Amendment printed SJ 12, 3/26/92)

Rep. Grodin moved that the House concur.

Adopted.

**HB 1228**, allowing a city, town or village district to grant waivers from the requirement of connection to the public sewer systems for properties with adequate alternative sewage disposal systems. (Amendment printed SJ 13, 3/31/92)

Rep. Grodin moved that the House concur and spoke in favor.

Adopted.

**HB 1240**, establishing a committee to study criteria and propose legislation concerning the secession of a portion of a municipality. (Amendment printed SJ 12, 3/26/92)

Rep. Grodin moved that the House concur.

Adopted.

**HB 1351**, creating a committee to review the laws governing tax-exempt property and to study the concept of and criteria for payment in lieu of taxes by tax-exempt properties in response to HBI 2 of the 1991 session. (Amendment printed SJ 13, 3/31/92)

Rep. Grodin moved that the House concur.

Adopted.

**HB 1305**, permitting the carrying and selling of antique gun canes. (Amendment printed SJ 10, 3/19/92)

Rep. Benton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Benton, Daly, Robert Walsh and Chasse.

**HB 1256-FN-A**, requiring the department of transportation to study the United States Route 3 and New Hampshire Route 11 transportation corridor. (Amendment printed SJ 13. 3/31/92)

Rep. Gene Chandler moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gene Chandler, Weeks, David Wheeler and Frechette.

**HCR 26**, urging the New Hampshire legislature and the New Hampshire Congressional delegation to discourage certain Air Force testing of F-16 fighter aircraft in New Hampshire airspace. (Amendment printed SJ 13, 3/31/92)

Rep. Cowenhoven moved that the House concur.

Adopted.

### ENROLLED BILLS REPORT

**HB 783**, relative to motor vehicle records and DWI convictions.

**HB 1163**, relative to public employee's right to require that a nonpublic session under the right-to-know law be open to the public.

**HB 1228**, allowing a city, town or village district to grant waivers from the requirement of connection to the public sewer systems for properties with adequate alternative sewage disposal systems, and authorizing the town of Durham to borrow for the purpose of making improvements to wastewater treatment facilities.

**HB 1359**, relative to the confidentiality of police personnel files in criminal cases.

**HB 1440**, relative to preparation of master jury lists by the department of safety from drivers' licenses lists.

**HB 1480**, requiring persons who default on court appearances for motor vehicle offenses to pay witness fees for law enforcement officers.

**SB 307**, authorizing disclosure of certain information contained in the records of the department of revenue administration to the office of reimbursements, division of mental health and developmental services.

**SB 356**, relative to quality assurance records in nursing homes and health maintenance organizations.

**SB 361**, relative to the impact fee laws.

**SB 394**, relative to the jurisdiction of the labor department over self-insured workers' compensation programs.

Rep. Miriam Dunn for the Committee

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 360**, establishing a committee to study head injury cases in New Hampshire, was removed at the request of Rep. Vaughn.

**SB 433-FN**, relative to the registration and equipment standards of motor vehicles known as street rods, was removed at the request of Rep. John Chandler.

Consent Calendar adopted.



**SCR 11**, encouraging the U.S. Congress and the President of the United States to consider the economic impact of federal laws and legislation on states. OUGHT TO PASS.

Rep. Robert L. Wheeler for Economic Development: A strong opinion against Federal Mandates is expressed in this bill and shared wholeheartedly by the Committee. Vote 13-0.

**SB 331**, relative to gender equity in athletics. OUGHT TO PASS.

Rep. Robert M. Gilbreth for Education: It is incumbent on the Committee and the General Court to further extend equality of treatment in men and women's sports. The gender equity study committee which met this past winter would like to continue the study. Vote 14-0.

**SB 326-FN**, relative to the Lamprey solid waste district. OUGHT TO PASS.

Rep. Amanda A. Merrill for Environment and Agriculture: Senate Bill 326 authorizes the Lamprey solid waste cooperative to borrow money necessary to complete expansion of the landfill to which it sends ash from its waste-to-energy facility on the University of New Hampshire campus. This expansion will provide capacity through 1995, at which time the cooperative's lease with UNH expires. Vote 13-0.

**SB 357-FN**, prohibiting licensure by any state agency or board where an outstanding court default or bench warrant has been issued and making license application fees non-refundable. INEXPEDIENT TO LEGISLATE.

Rep. Lawrence A. Emerton for Executive Departments and Administration: This bill, although well-meaning, would create the necessity for the many state boards and agencies to set up an expensive and time consuming process of cross-checking prior to issuing and/or renewing licenses. Testimony from some agencies advised there could be large losses of revenue if enacted. Some boards prohibit the refusal of a license before a hearing, thus further impeding a possible innocent person from making a livelihood during a long hearing process. Vote 12-0.

**SB 407-FN**, relative to the acceptance of credit cards for motor vehicle related offenses by clerks of court and bail commissioners. INEXPEDIENT TO LEGISLATE.

Rep. Robert L. Wheeler for Executive Departments and Administration: The Committee heard testimony that the bill appeared to need some rewriting. The degree of rewriting was felt to be excessive for the Committee and so it was voted Inexpedient to Legislate. Vote 14-0.

**SB 430-FN**, relative to the establishment of regional offices for the vocational rehabilitation division. OUGHT TO PASS.

Rep. Kathleen W. Ward for Executive Departments and Administration: This legislation was requested by the Department of Education which has since 1963 maintained regional offices throughout the state. Passage of this bill would give the Director of Vocational Rehabilitation statutory authority. Vote 13-0.

**SB 359**, relative to expending moneys by the OHRV bureau for trail maintenance expenses. OUGHT TO PASS.

Rep. Joseph N. Feuer for Fish and Game: This bill dedicates one dollar of each off highway recreational vehicle (OHRV) annual registration fee for the purchase of trail grooming and maintenance equipment and related expenses. There is no increase in the fee or additional cost to the public. Vote 19-0.

**SB 386-FN**, relative to the publications, specialty items and fund raising revolving fund of the fish and game department and authorizing certain fund raising by the department. **OUGHT TO PASS.**

Rep. Joseph N. Feuer for Fish and Game: This bill expands the fund raising capacity of the Fish and Game Department through the merchandising of various specialty items to the general public and gives the Department the authority and means to engage the services of private marketing experts to help promote this endeavor. Vote 19-0.

**SB 398**, permitting the sale of red deer and elk venison. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joseph N. Feuer for Fish and Game: This bill, as amended, authorizes the in-state raising of red deer and elk for meat production. At present this meat can only be imported from out-of-state sources. This change will give New Hampshire farmers an additional opportunity to utilize their land profitably. Vote 17-1.

5184L

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Wholesaler's License to Sell Imported Venison; Red Deer Reference Added; Reference to Packaging Removed. Amend RSA 212:30-d, III-a to read as follows:

III-a. Resident wholesalers licensed pursuant to paragraph III may import venison, [other than] **including the species red deer and elk (*Cervus elaphus*), but not including** Virginia white-tail deer (*Odocoileus virginianus*), into this state for use in processing of [gift-packaged] meats specifically for mail order.

Amend the bill by replacing section 4 with the following:

4 Sale of Venison; Red Deer Reference Added. Amend RSA 212:30-e, V to read as follows:

V. No person other than one licensed to propagate deer, [other than] **including the species red deer and elk (*Cervus elaphus*), but not including** Virginia white-tailed deer, shall be permitted to sell deer carcasses or venison pursuant to this section; provided, however, a person who has obtained the appropriate resident or nonresident wholesaler's license described in RSA 212:30-d, III shall be permitted to purchase deer carcasses or venison pursuant to this section for resale [to hotels or restaurants only].

#### AMENDED ANALYSIS

This bill permits the propagation, possession and sale of red deer and elk venison.

This bill permits licensed wholesalers to purchase deer carcasses or venison for resale. Current law limits such purchases for resale to hotels or restaurants.

**SB 323**, establishing a committee to study the issue of physician self-referrals. **OUGHT TO PASS.**

Rep. Eleanor H. Amidon for Health, Human Services and Elderly Affairs: This Committee is necessary to identify and establish the relationship between a physician and a related medical service he may have ownership in. A similar study is underway by the federal government, but only applicable to Medicaid abuses of possible doctor-medical service abuses. Vote 14-0.

**SB 410, relative to AIDS. OUGHT TO PASS WITH AMENDMENT.**

Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs: The Committee was unanimous in its vote of 13-0, to amend Senator Fraser's bill. Since the birth of the original bill, CDC (Communicable Disease Center) has been revising its guidelines for AIDS several times. The establishment of a task force with the addition of three members will enable New Hampshire to be responsive to the revisions. The Committee also discussed the relevance of hepatitis B and tuberculosis. Vote 13-0.

5494L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

creating a task force to study establishing precautionary measures to be followed by health care workers to control the spread of AIDS, hepatitis and tuberculosis.

Amend the bill by replacing all after the enacting clause with the following:

1 Task Force Established; Membership. There is created a task force to study the possibility of establishing procedures to be followed by health care workers licensed in New Hampshire to control the spread of the human immunodeficiency virus, hepatitis and tuberculosis. The membership of the task force shall be as follows:

I. Two members of the senate or designees, appointed by the president of the senate.

II. Two members of the house of representatives, appointed by the speaker of the house.

III. One public member, appointed by the governor.

IV. The director of the division of public health services, department of health and human services, or designee.

V. The director of the officer of alcohol and drug abuse prevention, or designee.

VI. A member from the New Hampshire Hospital Association, appointed by such association.

VII. A member of the New Hampshire Nurses Association, appointed by such association.

VIII. A member of the New Hampshire Dental Society, appointed by such society.

IX. A member of the New Hampshire AIDS Consortium, appointed by such consortium.

X. A member of the New Hampshire Public Health Association, appointed by such association.

XI. A member of the New Hampshire Medical Society, appointed by such society.

XII. A member of the State Employees Association, who represents health care workers, appointed by such association.

2 Duties. The task force shall study the possibility of establishing procedures to be followed by health care workers licensed in New Hampshire in an effort to control the spread of the human immunodeficiency virus, hepatitis and tuberculosis.

3 Mileage; Chairperson. The task force shall elect a chairperson from among its members at the first meeting, which shall be called by the first-named senate member within 30 days of the effective date of this act. Members of the task force shall serve

without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the task force.

4 Report. The task force shall submit its report with its recommendations, together with any proposed legislation for the 1993 legislative session, to the president of the senate, the speaker of the house and the governor on or before November 1, 1992.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a task force to study the possibility of establishing procedures to be followed by health care workers to control the spread of the human immunodeficiency virus, hepatitis and tuberculosis.

The task force is to submit its report together with recommendations for legislation to the president of the senate, the speaker of the house and the governor on or before November 1, 1992.

**SB 404-FN**, relative to chiropractic practitioners and privileged communications. OUGHT TO PASS.

Rep. Robert A. Lockwood for Judiciary: Passage of this bill will assure confidentiality of any communications between a licensed chiropractor and a patient, unless otherwise provided by law, making such communications privileged. Vote 13-0.

**SB 380**, relative to membership on planning boards in towns with the town council form of government and relative to the 4-year exemption from certain subdivision regulations and zoning ordinances. OUGHT TO PASS WITH AMENDMENT.

Rep. Kenneth L. Weyler for Municipal and County Government: This bill allows towns operating under the town council form of government to have 7 or 9 member planning boards, depending on the number specified by the local legislative body or municipal charter. The amendment deletes a paragraph the committee considered non-germane. Vote 15-0.

5469L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to membership on planning boards in towns with  
the town council form of government.

Amend the bill by deleting section 3 and renumbering section 4 to read as 3.

#### AMENDED ANALYSIS

This bill allows towns operating under the town council form of government to have 7 or 9 member planning boards, depending on the number specified by the local legislative body or the municipal charter.

**SB 367**, authorizing the department of resources and economic development to sell the Nansen ski jump facility if no interest exists in the private sector to maintain and operate the facility. OUGHT TO PASS.

Rep. Mary Ann Lewis for Resources, Recreation and Development: This legislation to lease or sell the Nansen ski jump facility was recommended by the Department of Resources and Economic Development. The wooden sections of the ski jump are in serious disrepair and would require a tremendous capital investment by the state before it would pass safety regulations. The bill allows the state to contract the facility to the private sector with the necessary provisions in protecting the state from any liabil-



ity. However, if they are unsuccessful in leasing the ski jump their next alternative would be to find a buyer for the structure, who would have it dismantled and built at another site. The state would retain ownership of the land on both sides of the road of approximately 53 acres. Vote 14-0.

**SB 413-FN**, allowing nonprofit organizations to use informational signs on certain highways. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Lewis for Resources, Recreation and Development: The bill addresses signs by non-profit organizations in commercial and industrial areas. A very similar bill (SB 412) was heard by the Public Works Committee who placed their bill in interim study. We feel we can work with them in a joint effort in addressing this problem. Vote 15-0.

**SB 417-FN**, requiring notification of associated costs of converting fuel heating systems and allowing recovery for costs of removal of leaking residential tanks from the oil discharge and disposal cleanup fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Ann Lewis for Resources, Recreation and Development: The Oil Fund Disbursement Board is in complete opposition to this bill. The Oil Discharge and Disposal Cleanup Fund is derived from the assessment of .006 per gallon from the gasoline and oil dealers in the state. These funds are used to assist in the cleanup of leaky underground storage tanks of more than 1100 gallons in size. There is no contribution to the fund by the home heating oil dealers, therefore, it is inequitable for them to benefit from the ODD fund. The Committee also feels they should set up a similar program to address their problems. Vote 13-1.

**SB 440-FN**, relative to water conservation strategy for community water suppliers. **INEXPEDIENT TO LEGISLATE.**

Rep. Martin Feuerstein for Resources, Recreation and Development: While the Committee appreciates the need to conserve water, it feels it is inherent to all community water suppliers to maintain a public education program. Further, the Committee feels the continuing increase in the cost of water and its delivery creates a built-in impetus to conserve. Also, it is a bill that possibly can create a mandated expense to communities. Vote 13-2.

**SB 368**, changing statutory references to automobile graveyards, motor vehicle junkyards and junk vehicles to include automotive recycling yards or vehicles. **UGHT TO PASS.**

Rep. George N. Katsakiores for Transportation: Senate Bill 368 adds the term "automotive recycling yard" to the definition statutes which presently refer to "junkyards" only. The bill also removes references to "automotive graveyards." The Committee looked favorably on the desire of operators of these yards to develop a more respectable image to complement the trend to more sophisticated businesses. Vote 13-1.

**SB 390**, establishing a revenue estimating conference which shall estimate anticipated state revenues. **INEXPEDIENT TO LEGISLATE.**

Rep. Donna P. Sytek for Ways and Means: This bill would establish a revenue estimating conference comprised of the Governor, the Speaker, the Senate President, and an economist from a New Hampshire university. They would be required to reach unanimous agreement on revenue estimates which would be used in the budget process. While the Committee recognizes that the current system of estimating revenue is far from perfect and would certainly welcome input from the academic and business

communities, it does not believe this bill would be an improvement. The responsibility for estimating revenue more properly lies with the whole Legislature and the Governor than with four individuals. Vote 15-0.

### REGULAR CALENDAR

**SB 420-FN**, relative to interviewing children under the provisions of the Child Protection Act. **INEXPEDIENT TO LEGISLATE**.

Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice: Senate Bill 420 is a severely flawed bill as received from the Senate. There are conflicts within the bill from section to section and inconsistencies in the repeal process. The most compelling argument, however, against the bill was the expectation that the Attorney General's Task Force on Child Abuse will submit its report on October 1992 with protocols involving issues addressed in this bill. Vote 17-0.

Rep. Accornero moved that the words Ought to Pass with Amendment be substituted for the report of the Committee, Inexpedient to Legislate, spoke in favor and yielded to questions.

Rep. Valerie Cook spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

### YEAS 80

#### YEAS 80

Accornero, Harry  
Golden, Paul A.  
Rosen, Ralph J.

Bradley, Jeb E.

Burnham, Daniel M.  
Doucette, Richard F.

Coulombe, Henry W.

Dow, David  
Nielsen, Niels F., Jr.  
Ward, Kathleen W.

Alukonis, David J.  
Chasse, Richard D.  
Daniels, Gary L.  
Green, Scott E.  
Keane, Cornelius J.  
Lawrence, Norman B.  
Packard, Bonnie B.  
Tarpley-Bamberger, Nancy L.

#### BELKNAP

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Vogler, Charles C.

Daly, Robert J., Jr.

Clark, Eugene W.  
Hunt, John B.

#### COOS

#### GRAFTON

Lougee, Richard W.  
Teschner, Douglass P.  
White, Paul R.

#### HILLSBOROUGH

Baker, George H., Sr.  
Clemons, Jane A.  
Drabinowicz, A. Theresa  
Hultgren, David D.  
Kirk, Neal M.  
Lefebvre, Roland J.  
Riley, Frances L.  
Wheeler, David K.

#### MERRIMACK

Braiterman, Thea  
Molner, Mary E.

### NAYS 258

Dewhirst, Glenn E.  
Joscelyn, William W.  
Zaharchuk, Peter J., Jr.

Dickinson, Howard C.

Cole, Kenneth A.  
Laurent, John J.

Markley, J. Keith  
Trelfa, Richard T.

Carpenter, Karen A.  
Daigle, Robert A.  
Elliott, Larry G.  
Jean, Romeo W.  
Lachut, Ervin R.  
Ouellette, Robert O.  
Rothhaus, Finlay C.  
Wright, George W.

Chandler, John P.  
Stio, Peter M.

**ROCKINGHAM**

Cooke, Annette M.  
Greene, Elizabeth A.  
Hynes, Carolyn E.  
McKinney, Betsy  
Roulston, Donald L.  
Welch, David A.

Dowling, Patricia A.  
Hurst, Sharleene P.  
Kane, Cecelia D.  
Melnick, Roy E.  
Sytek, John J.

Ford, Bert H.  
Hutchinson, Karen K.  
MacKinnon, Nancy W.  
Packard, Sherman A.  
Warburton, Calvin

**STRAFFORD**

Corte, Arthur B.  
Pelley, Janet R.

Kincaid, William K.  
Tsiros, William

Marston, Robert E.

**SULLIVAN**

Domini, Irene C.

Stamatakis, Carol M.

**NAYS 258****BELKNAP**

Bartlett, Gordon E.  
Holbrook, Robert G.  
Shibley, Arnold P.

Cain, Thomas G.  
Maviglio, Steven R.  
Turner, Robert H.

Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Beach, Mildred A.  
Foster, Robert W.  
Wiggin, Gordon E.

Chandler, Gene G.  
Saunders, Howard N.

**CHESHIRE**

Champagne, Richard L.  
Feuer, Joseph N.  
Kennison, Wayne A.  
Metzger, Katherine H.  
Perry, David M.  
Young, David A.

Cole, Stacey W.  
Foster, Katherine D.  
Kingsbury, H. Thayer  
Mohr, Frederick C., Jr.  
Pratt, Irene A.

Crutchley, Donald O.  
Grodin, Richard A.  
Lynch, Margaret A.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Nelson, Harold D.  
Theriault, Romeo J.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Hill, Richard L.  
Scanlan, David M.

Arnesen, Deborah L.  
Chambers, Mary P.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Stewart, Roger D.

Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
McIlwaine, Deborah P.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ackerman, Philip M.  
Andrews, Frederick B.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.

Ahrens, Frederick G.  
Arnold, Barbara E.  
Buckley, Raymond  
Cote, David E.  
Desrosiers, William J.  
Donovan, Francis X.

Amidon, Eleanor H.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Drolet, Paul L.

Durham, Susan B.  
 Emerton, Lawrence A.  
 Ferlan, Arthur P.  
 Gage, Ruth E.  
 Greenglass, Alan B.  
 Hanselman, Gregory L.  
 Holden, Carol H.  
 Johnson, Lionel W.  
 King, Frank P.  
 Laughlin, J. Francis  
 Lozeau, DonnaLee M.  
 McCann, Bonnie Lou  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 O'Rourke, Joanne A.  
 Peters, Stanley W.  
 Rheault, Lillian I.  
 Smith, Leonard A.  
 Tate, Joan C.  
 Vanderlosk, Stanley R.

Dwyer, Patricia R.  
 Fenton, James J.  
 Fields, Dennis H.  
 Gagnon, Eugene L.  
 Gureckis, Adam C., Sr.  
 Healy, Daniel J.  
 Janas, Gregory  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lawrence, Eva M.  
 Martin, Mary Ellen  
 McDowell, James E.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Paquette, Rodolphe G.  
 Record, Alice B.  
 Sallada, Roland A.  
 Soucy, Donna M.  
 Turgeon, Roland M.  
 Wheeler, Robert L.

Dyer, Merton S.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Goulet, Maurice E.  
 Haettenschwiller, Alphonse  
 Healy, Walter F.  
 Jasper, Shawn N.  
 Kelley, Robert N.  
 Larochelle, Roger B.  
 Lown, Elizabeth D.  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Nardi, Theodora P.  
 Pepino, Leo P.  
 Reidy, Frank J.  
 Searles, Stanley N., Sr.  
 Stiles, Walter A.  
 Upton, Barbara A.  
 White, John M.

#### MERRIMACK

Apple, Lowell D.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Johnson, C. William  
 Letourneau, George E.  
 Millard, Elizabeth S.  
 Soldati, Jennifer G.  
 Weeks, John F., Jr.

Boucher, Laurent J.  
 Christie, Thomas J.  
 Fair, Patricia A.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, Joyce M.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Teague, Bert  
 Whittemore, James A.

Carter, Susan D.  
 Daneault, Gabriel J.  
 Feuerstein, Martin  
 Hager, Elizabeth S.  
 Holmes, Mary C.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Wallner, Mary Jane  
 Yeaton, Charles B.

#### ROCKINGHAM

Barnes, John S., Jr.  
 Boucher, William P.  
 Christie, Andrew, Jr.  
 Coffey, John J.  
 Cote, Patricia L.  
 Dube, LeRoy S.  
 Flanders, David A.  
 Griebisch, Linda  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Rubin, George R.  
 Senter, Marilyn P.  
 Smith, Arthur W.

Bell, Juanita L.  
 Campbell, Marilyn R.  
 Chulack, Peter G., Sr.  
 Connell, David R.  
 DiPietro, Carmela M.  
 Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Hoar, John, Jr.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Seward, Russell G.  
 Syracusa, Anthony

Benton, Richardson D.  
 Caswell, Albert, Jr.  
 Clark, Martha Fuller  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Hoelzel, Kathleen M.  
 Katsakiores, Phyllis  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Rosencrantz, James R.  
 Schmidtchen, Rowland H.  
 Skinner, Patricia M.  
 Sytek, Donna P.



Terninko, Margaret B.  
Vaughn, Charles L.  
Woods, Deborah L.

Thayer, Leroy C.  
Wells, Henry E.

Tufts, Arthur  
Weyler, Kenneth L.

### STRAFFORD

Bickford, Drucilla  
Flynn, Edward J.  
Gilmore, Gary R.  
Jankowski, Peter M.  
Knowles, William V.  
Merrill, Amanda A.  
Nehring, William H.  
Sullivan, Henry P.  
Vincent, Francis C.

Brown, Julie M.  
Foss, Patricia H.  
Hambrick, Patricia A.  
Keans, Sandra B.  
Martling, W. Kent  
Messier, Donald R.  
O'Brien, John  
Torr, Ann M.  
Wall, Janet G.

Douglass, Clyde J.  
Frechette, Roland A.  
Hashem, Elaine M.  
Kinney, Paula J.  
McCann, William H., Jr.  
Musler, George T.  
Spencer, Leo J.  
Torr, Ralph W.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Flint, Gordon B.  
Middleton, John A.  
Rodeschin, Beverly T.  
and the motion failed.  
Report adopted.

Behrens, Thomas A.  
Krueger, Richard H.  
Peyron, Fredrik  
Schotanus, Merle W.

Burling, Peter Hoe  
Lindblade, Eric N.  
Porter, Robert H.  
Walsh, Robert R.

**SB 400-FN-A-L**, requiring fees in addition to licensure fees for certain dogs which are not spayed or neutered and using the increase to fund a state animal population control program and continually appropriating the companion animal population control fund. **INEXPEDIENT TO LEGISLATE**

Rep. Martha Fuller Clark for Municipal and County Government: The Committee heard more than four hours of testimony on the pros and cons of SB 400 and the testimony on the bill was sharply split. The Committee recognizes that there is a serious problem with regard to over-population of cats and dogs in New Hampshire, but the focus and mechanics of the proposed legislation are not acceptable. The Commissioner of the Department of Agriculture testified that he would be developing information concerning the risks and activities in other states in coping with the problem. Vote 14-1.

Adopted.

**SB 360**, establishing a committee to study head injury cases in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs: Senate Bill 360 establishes a committee to study head injury cases and to determine the appropriateness of establishing a head injury registry to record and notify periodically the New Hampshire Head Injury Foundation. There are 1,500 severe brain injuries in New Hampshire every year, yet we have no direct state services for individuals with brain injuries and no registries as exist for other disabilities. The Committee considers the issues of the head injured to be of serious importance and voted unanimously 13-0 in favor of this study committee.

5516L

### Amendment

Amend paragraph II of section 1 of the bill by inserting after subparagraph (i) the following new subparagraph:

(j) A representative of the New Hampshire Hospital Association, appointed by such association.

Rep. Katherine Wheeler yielded to questions.

Adopted.

Report adopted.

Ordered to third reading.

**SB 433-FN**, relative to the registration and equipment standards of motor vehicles known as street rods. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Haynes for Transportation: This bill allows persons who drive street rods to obtain a distinctive number plate from the Director of Motor Vehicles and a certificate which verifies the vehicle as a street rod. Street rods must pass a motor vehicle inspection. This bill also sets equipment standards for these 1949 and prior vehicles which have been modified for safe road use. Vote 14-0.

5474L

### Amendment

Amend RSA 261:89-b, II as inserted by section 2 of the bill by replacing it with the following:

II. A special fee in the amount of \$25 shall be paid for the certificate of verification. This special fee shall be in addition to the regular motor vehicle registration fee as prescribed by law for the particular vehicle being registered, and any number plate manufacturing fee or fees otherwise required by law for the particular vehicle. All special fees collected shall be paid to the state treasurer and credited to the driver training fund established in RSA 263:52. A vehicle which is registered as a street rod, regardless of the year of manufacture of said vehicle, shall be assessed an annual municipal permit fee in the amount of \$50, which fee shall not be prorated regardless of the number of months in actual road use. This fee shall be in lieu of any other municipal permit fee. For purposes of this section and that of vehicle registration, the year of manufacture of a street rod is deemed to be the year of manufacture of the body. In the event the body is a replica as defined by RSA 259:106-a, then the year of manufacture is deemed to be the model year of the body so replicated.

### AMENDED ANALYSIS

This bill allows persons who drive street rods to obtain distinctive number plates from the director of motor vehicles upon payment of a \$25 fee and presentation of a duly executed certificate which verifies the vehicle as a street rod.

This bill requires that street rods be equipped with certain items. This bill defines street rods as vehicles, the bodies and frames of which were manufactured prior to the year 1949, or which include replicas of bodies or frames manufactured prior to 1949, and which have been modified for safe road use.

Any vehicle registered as a street rod shall be assessed an annual municipal permit fee of \$50.

Adopted.

Rep. John Chandler offered a floor amendment.

5611L

### Floor Amendment

Amend RSA 261:89-b, II as inserted by section 2 of the bill by replacing it with the following:

II. A special fee in the amount of \$25 shall be paid for the certificate of verification. This special fee shall be in addition to the regular motor vehicle registration fee

as prescribed by law for the particular vehicle being registered, and any number plate manufacturing fee or fees otherwise required by law for the particular vehicle. All special fees collected shall be paid to the state treasurer and credited to the highway fund. A vehicle which is registered as a street rod, regardless of the year of manufacture of said vehicle, shall be assessed an annual municipal permit fee in the amount of \$50, which fee shall not be prorated regardless of the number of months in actual road use. This fee shall be in lieu of any other municipal permit fee. For purposes of this section and that of vehicle registration, the year of manufacture of a street rod is deemed to be the year of manufacture of the body. In the event the body is a replica as defined by RSA 259:106-a, then the year of manufacture is deemed to be the model year of the body so replicated.

#### AMENDED ANALYSIS

This bill allows persons who drive street rods to obtain distinctive number plates from the director of motor vehicles upon payment of a \$25 fee and presentation of a duly executed certificate which verifies the vehicle as a street rod.

This bill requires that street rods be equipped with certain items. This bill defines street rods as vehicles, the bodies and frames of which were manufactured prior to the year 1949, or which include replicas of bodies or frames manufactured prior to 1949, and which have been modified for safe road use.

Any vehicle registered as a street rod shall be assessed an annual municipal permit fee of \$50.

Reps. John Chandler and Stewart spoke in favor and yielded to questions.

Adopted.

Report adopted.

Referred to Appropriations.

#### GOVERNOR'S VETO MESSAGE ON HB 379-FN

March 10, 1992

To The Honorable Members of the General Court:

I have this day vetoed HB 379-FN, An Act Relative to Advertising Devices within Highway Rights-of-Way.

I have vetoed HB 379 because it is unfair to the people of New Hampshire; it is unfair to businesses that abide by New Hampshire law; and it places a substantial burden on the citizens of New Hampshire and the businesses that employ them. Finally, HB 379 violates federal law and threatens 10% or more of New Hampshire's federal highway funding.

This office and the New Hampshire Department of Transportation have received notice by U.S. Department of Transportation letters dated February 29, 1992 and March 6, 1992, that "all remaining nonconforming signs on the Interstate and primary systems" must be acquired and removed or "the law provides for a 10-percent reduction of a State's Federal-aid highway apportionment." This means the loss of at least 7 or 8 million dollars of federal highway funding per year.

HB 379, if enacted, would cost millions of dollars in federal highway improvement funds and hundreds of New Hampshire construction jobs. The bill would damage our aesthetics and environment, and the tourist market. HB 379 is unfair to New Hampshire businesses and citizens who would be forced to compete with the illegal, nonconforming signs and billboards "grandfathered" in perpetuity by the bill.

HB 379 is unfair to businesses that have acknowledged New Hampshire property rights because it gives the nonconforming businesses a commercial advantage. To add

insult to injury, Section 2 of the bill would give the nonconforming businesses a permanent advantage because it provides that businesses that ignored state property rights up to January 1, 1991, will be able to maintain valuable billboard and signage rights in perpetuity. If HB 379 becomes law, it will permanently exempt certain citizens and businesses from laws that the rest of our citizens and businesses must obey. Also, the New Hampshire Department of Transportation has no inventory of nonconforming signs and billboards, making it impossible for the grandfather provision of the bill to be administered fairly and accurately.

In addition to the unfairness of HB 379, there is the bill's unmeasurable cost to the New Hampshire tourist business. The people of New York, New Jersey, Connecticut, Massachusetts and the rest of the country, who come to New Hampshire to vacation, do not come here to look at billboards—they can see billboards at home. Vacationers come to New Hampshire to see our forests, lakes, seashores and mountains. Signs have their place, but HB 379 would permanently establish illegal signs for the benefit of a few businesses at the expense of their competitors, the tourist market, and the people of New Hampshire in general.

Judd Gregg, Governor

Rep. Gene Chandler spoke in explanation.

Rep. Robert Johnson spoke in favor of the bill.

### REMARKS

Rep. Gross moved that the remarks of Rep. Gene Chandler be printed in the Journal.

Adopted.

Rep. Gene Chandler addressed the House.

Thank you Mr. Speaker. This message, as you know, has been appearing in your Calendar for a couple of weeks. You have to decide on your own what you wish to do with the veto. The Public Works Committee has been discussing it now for a couple of weeks. Basically, our position is that there is a problem out there. The problem is going to exist whether the veto is sustained or overridden. We are going to have to deal with it which we plan to do this summer. As you know, most of these sign bills have come along and have led us to a very confusing state, or at least for myself, and I think I speak for other members of the Committee. A lot of the state and federal statutes and regulations are in conflict with each other. I have met with the Department of Transportation and the Federal Highway Administration and we can't even get agreement amongst ourselves about which regulations we should be following and which regulations we are following.

The basic situation is that we had a subcommittee to deal with this bill initially and it recommended the bill as you see it. The Committee voted 14-0 in favor of that. Since that time, the new federal highway program, ISTEA (Intermodal Surface Transportation Efficiency Act), has taken effect and part of that federal highway program is an increased enforcement regarding signs. It is basically mandating the state of New Hampshire to get tough on the so-called illegal placement of signs along the roads, or we are faced with the threat of withholding of federal funds.

This is basically a property rights issue. This is where, in our opinion, the Governor sort of missed the boat when writing his veto message. What happens is, in a significant number of highways along the state, the state of New Hampshire actually has an easement over someone's property, John Q. Public's property, just an easement for highway purposes. We don't believe, and we feel quite strongly about this, and so



far the Federal Highway Administrator, the Department of Transportation and the Governor's legal counsel cannot disagree with us. We believe that as the statutes and regulations presently exist, no one has the authority to tell the private property owners that they can't put a sign there. Whether the Highway Department should be able to do that, and it probably should have that authority, certainly in a reasonable width from the highway to maintain clean, barrier-free roadways, for safety purposes, visual purposes, etc. But the problem is, we don't believe there is any law or easement that allows for this to happen. That was our basic issue. Now the Governor, it was hoped, would be able to write something in support of that issue. He didn't do so and that is his prerogative. His legal counsel, in meetings with him, thought it might be a good idea, but that is as far as it went. The bottom line is that either way this happens, we've got to settle the issue and we are going to have to make recommendations during the next session of the Legislature to properly deal with this problem.

Roll call constitutionally required.

The question being, not withstanding the Governor's veto, shall HB 379 pass?

### YEAS 149

Accornero, Harry  
Holbrook, Robert G.  
Rosen, Ralph J.

Beach, Mildred A.

Champagne, Richard L.  
Cole, Stacey W.  
Hunt, John B.

Hawkinson, Marie C.  
Nelson, Harold D.

Arnesen, Deborah L.  
Chambers, Mary P.  
Guest, Robert H.  
Treifa, Richard T.

Ackerman, Philip M.  
Asselin, Robert P.  
Buckley, Raymond  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Elliott, Larry G.  
Green, Scott E.  
Johnson, Lionel W.  
Kelley, Robert N.  
Larochelle, Roger B.

### YEAS 149 BELKNAP

Dewhirst, Glenn E.  
Joscelyn, William W.  
Shibley, Arnold P.

### CARROLL

Dodge, A. Gibb, Jr.

### CHESHIRE

Clark, Eugene W.  
Doucette, Richard F.

### COOS

Horton, Lynn C.  
Therault, Romeo J.

### GRAFTON

Brown, Channing T.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Ward, Kathleen W.

### HILLSBOROUGH

Alukonis, David J.  
Baker, George H., Sr.  
Clemons, Jane A.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Ferguson, Charles  
Janas, Gregory  
Keane, Cornelius J.  
King, Frank P.  
Laughlin, J. Francis

### NAYS 189

Golden, Paul A.  
Maviglio, Steven R.  
Zaharchuk, Peter J., Jr.

Wiggin, Gordon E.

Cole, Kenneth A.  
Foster, Katherine D.

Kilbride, Dennis J.

Brown, Patricia B.  
Dow, David  
Stewart, Roger D.

Andrews, Frederick B.  
Bourque, Ann J.  
Cote, David E.  
Daniels, Gary L.  
Dwyer, Patricia R.  
Gage, Ruth E.  
Jean, Romeo W.  
Kelley, Dana F.  
Lachut, Ervin R.  
Lefebvre, Roland J.

Lown, Elizabeth D.  
McCann, Bonnie Lou  
McRae, Karen K.  
Nardi, Theodora P.  
Reidy, Frank J.  
Turgeon, Roland M.

Lozeau, Donnalee M.  
McDowell, James E.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Rothhaus, Finlay C.  
White, John M.

Mason, Howard F.  
McNerney, Daniel P.  
Murphy, Robert E.  
Packard, Bonnie B.  
Soucy, Donna M.

### MERRIMACK

Braiterman, Thea  
Fair, Patricia A.  
Hall, Douglas E.  
Johnson, Joyce M.  
Stio, Peter M.  
Weeks, John F., Jr.

Carter, Susan D.  
Fillion, Paul R.  
Hayes, Robert C.  
Smith, Gerald R.  
Teague, Bert  
Yeaton, Charles B.

Dunn, Miriam D.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Soldati, Jennifer G.  
Wallner, Mary Jane

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Dowling, Patricia A.  
Griebisch, Linda  
Hutchinson, Karen K.  
Klemarczyk, Thaddeus E.  
McGovern, Cynthia A.  
Roulston, Donald L.  
Tufts, Arthur

Bell, Juanita L.  
Caswell, Albert, Jr.  
Ford, Bert H.  
Hoelzel, Kathleen M.  
Hynes, Carolyn E.  
Lovejoy, Virginia K.  
McKinney, Betsy  
Sytek, Donna P.  
Warburton, Calvin

Boucher, William P.  
Chulack, Peter G., Sr.  
Greene, Elizabeth A.  
Hurst, Sharleene P.  
Johnson, Robert A.  
MacKinnon, Nancy W.  
Raynowska, Bernard J.  
Terninko, Margaret B.  
Wells, Henry E.

### STRAFFORD

Flynn, Edward J.  
Keans, Sandra B.  
McCann, William H., Jr.  
Musler, George T.  
Pelley, Janet R.  
Young, John B.

Gilmore, Gary R.  
Kincaid, William K.  
Merrill, Amanda A.  
Nehring, William H.  
Sullivan, Henry P.

Jankowski, Peter M.  
Knowles, William V.  
Messier, Donald R.  
O'Brien, John  
Wheeler, Katherine W.

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Walsh, Robert R.

Burling, Peter Hoe  
Rodeschin, Beverly T.

Flint, Gordon B.  
Schotanus, Merle W.

### NAYS 189 BELKNAP

Bartlett, Gordon E.  
Hawkins, Robert S.  
Turner, Robert H.

Cain, Thomas G.  
Johnson, Carl R.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Rice, Thomas E. P., Jr.  
Ziegler, Alice S.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Bradley, Jeb E.  
Dickinson, Howard C.  
Wiggin, Allen R.

Chandler, Gene G.  
Foster, Robert W.

### CHESHIRE

Burnham, Daniel M.  
Grodin, Richard A.

Crutchley, Donald O.  
Kennison, Wayne A.

Feuer, Joseph N.  
Kingsbury, H. Thayer

Laurent, John J.  
Mohr, Frederick C., Jr.  
Pratt, Irene A.

Lynch, Margaret A.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Metzger, Katherine H.  
Perry, David M.  
Young, David A.

### COOS

Brungot, Catherine V.  
Guay, Lawrence J.

Buckley, C. Fitzgerald  
Oliver, Terry D.

Coulombe, Henry W.  
Pratt, Leighton C.

### GRAFTON

Adams, Carl S.  
Hill, Richard L.  
Markley, J. Keith  
Scanlan, David M.  
White, Paul R.

Christy, C. Dana  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

Driscoll, William J.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Wadsworth, Karen O.

### HILLSBOROUGH

Ahrens, Frederick G.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Dodge, Emma M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Goulet, Maurice E.  
Haettenschwiller, Alphonse  
Holden, Carol H.  
Kurk, Neal M.  
Lawrence, Norman B.  
Messier, Irene M.  
Peters, Stanley W.  
Riley, Frances L.  
Smith, Leonard A.  
Tate, Joan C.  
Wheeler, David K.

Amidon, Eleanor H.  
Calawa, Leon, Jr.  
Cook, Valerie S.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Fenton, James J.  
Ford, Nancy M.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Hultgren, David D.  
L'Heureux, Robert J.  
Martin, Mary Ellen  
Ouellette, Robert O.  
Record, Alice B.  
Sallada, Roland A.  
Stiles, Walter A.  
Upton, Barbara A.  
Wheeler, Robert L.

Arnold, Barbara E.  
Carpenter, Karen A.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Jasper, Shawn N.  
Lawrence, Eva M.  
Mercer, Robert S.  
Paquette, Rodolphe G.  
Rheault, Lillian I.  
Searles, Stanley N., Sr.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.  
Wright, George W.

### MERRIMACK

Apple, Lowell D.  
Boucher, Laurent J.  
Christie, Thomas J.  
Gilbreth, Robert M.  
Kidder, William F.  
Lockwood, Robert A.  
Whittemore, James A.

Asplund, Bronwyn L.  
Chandler, Earle W.  
Daneault, Gabriel J.  
Gross, Caroline L.  
Letourneau, George E.  
Molner, Mary E.

Barberia, Richard A.  
Chandler, John P.  
Feuerstein, Martin  
Johnson, C. William  
Lewis, Mary Ann  
Nichols, Avis B.

### ROCKINGHAM

Benton, Richardson D.  
Coffey, John J.  
Cooke, Annette M.  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Katsakiores, George N.

Christie, Andrew, Jr.  
Connell, David R.  
Cote, Patricia L.  
Dube, LeRoy S.  
Flanders, David A.  
Hoar, John, Jr.  
Katsakiores, Phyllis

Clark, Martha Fuller  
Conroy, Janet M.  
DiPietro, Carmela M.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Kane, Cecelia D.  
Magoon, Harold F.

Malcolm, Kenneth W.  
 Melnick, Roy E.  
 Rubin, George R.  
 Senter, Merilyn P.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Weyler, Kenneth L.

McCain, William F.  
 Packard, Sherman A.  
 Schanda, Joseph, Sr.  
 Seward, Russell G.  
 Syracuse, Anthony  
 Vaughn, Charles L.  
 Woods, Deborah L.

McCarthy, John J., Jr.  
 Rosencrantz, James R.  
 Schmidtchen, Rowland H.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Welch, David A.

#### STRAFFORD

Bickford, Drucilla  
 Douglass, Clyde J.  
 Hambrick, Patricia A.  
 Marston, Robert E.  
 Torr, Ann M.  
 Vincent, Francis C.

Brown, Julie M.  
 Foss, Patricia H.  
 Hashem, Elaine M.  
 Martling, W. Kent  
 Torr, Ralph W.  
 Wall, Janet G.

Corte, Arthur B.  
 Frechette, Roland A.  
 Kinney, Paula J.  
 Spencer, Leo J.  
 Tsiros, William

#### SULLIVAN

Allison, David C.  
 Middleton, John A.  
 Stamatakis, Carol M.

Domini, Irene C.  
 Peyron, Fredrik

Lindblade, Eric N.  
 Porter, Robert H.

and lacking the constitutionally required two-thirds, the veto was sustained.

Rep. Rosen notified the Clerk that he inadvertently voted yea and intended to vote nay.

Rep. Pepino notified the Clerk that he wished to be recorded in opposition to the motion.

#### REMOVED FROM THE TABLE

Reps. Gross and Chambers moved that **SB 306**, allowing bonus payments in recognition of service during the Persian Gulf War and making an appropriation therefor, be removed from the table.

Roll call request sufficiently seconded.

The question being shall SB 306 be removed from the table.

#### YEAS 217

#### NAYS 121

#### YEAS 217 BELKNAP

Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Shibley, Arnold P.  
 Ziegler, Alice S.

Dewhirst, Glenn E.  
 Rice, Thomas E. P., Jr.  
 Vogler, Charles C.

Golden, Paul A.  
 Rosen, Ralph J.  
 Zaharchuk, Peter J., Jr.

#### CARROLL

Beach, Mildred A.  
 Dickinson, Howard C.  
 Saunders, Howard N.

Bradley, Jeb E.  
 Dodge, A. Gibb, Jr.  
 Wiggan, Gordon E.

Daly, Robert J., Jr.  
 Foster, Robert W.

#### CHESHIRE

Burnham, Daniel M.  
 Cole, Stacey W.  
 Grodin, Richard A.  
 Kingsbury, H. Thayer  
 Pratt, Irene A.

Champagne, Richard L.  
 Crutchley, Donald O.  
 Hunt, John B.  
 Metzger, Katherine H.  
 Young, David A.

Clark, Eugene W.  
 Doucette, Richard F.  
 Kennison, Wayne A.  
 Perry, David M.



**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Nelson, Harold D.  
Therault, Romeo J.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Oliver, Terry D.

Guay, Lawrence J.  
Merrill, Gerald P.  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Wadsworth, Karen O.

Chambers, Mary P.  
Larson, Nils H., Jr.  
Teschner, Douglass P.  
White, Paul R.

Christy, C. Dana  
Lougee, Richard W.  
Trelfa, Richard T.

**HILLSBOROUGH**

Ackerman, Philip M.  
Arnold, Barbara E.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Fields, Dennis H.  
Green, Scott E.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lefebvre, Roland J.  
McDowell, James E.  
Messier, Irene M.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Reidy, Frank J.  
Smith, Leonard A.  
Tate, Joan C.  
Wheeler, David K.

Amidon, Eleanor H.  
Asselin, Robert P.  
Buckley, Raymond  
Clemons, Jane A.  
Desrosiers, William J.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Gage, Ruth E.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Holden, Carol H.  
Kelley, Robert N.  
Larochelle, Roger B.  
Mason, Howard F.  
McNerney, Daniel P.  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Peters, Stanley W.  
Sallada, Roland A.  
Soucy, Donna M.  
Turgeon, Roland M.

Andrews, Frederick B.  
Baker, George H., Sr.  
Calawa, Leon, Jr.  
Cote, David E.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Fenton, James J.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Healy, Daniel J.  
Keane, Cornelius J.  
King, Frank P.  
Laughlin, J. Francis  
McCann, Bonnie Lou  
Mercer, Robert S.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Record, Alice B.  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Vanderlosk, Stanley R.

**MERRIMACK**

Apple, Lowell D.  
Braiterman, Thea  
Chandler, John P.  
Fair, Patricia A.  
Gilbreth, Robert M.  
Holmes, Mary C.  
Letourneau, George E.  
Soldati, Jennifer G.  
Whittemore, James A.

Asplund, Bronwyn L.  
Carter, Susan D.  
Christie, Thomas J.  
Feuerstein, Martin  
Gross, Caroline L.  
Johnson, C. William  
Lockwood, Robert A.  
Stio, Peter M.

Barberia, Richard A.  
Chandler, Earle W.  
Daneault, Gabriel J.  
Fillion, Paul R.  
Hayes, Robert C.  
Johnson, Joyce M.  
Nichols, Avis B.  
Teague, Bert

**ROCKINGHAM**

Barnes, John S., Jr.  
Caswell, Albert, Jr.  
Connell, David R.  
DiPietro, Carmela M.

Benton, Richardson D.  
Christie, Andrew, Jr.  
Cooke, Annette M.  
Dowd, Sandra K.

Boucher, William P.  
Coffey, John J.  
Cote, Patricia L.  
Dube, LeRoy S.

Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Rosencrantz, James R.  
 Schmidtchen, Rowland H.  
 Thayer, Leroy C.  
 Weyler, Kenneth L.

Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Melnick, Roy E.  
 Roulston, Donald L.  
 Senter, Marilyn P.  
 Vaughn, Charles L.  
 Woods, Deborah L.

Flanders, David A.  
 Hoar, John, Jr.  
 Hynes, Carolyn E.  
 Katsakiores, Phyllis  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Welch, David A.

### STRAFFORD

Brown, Julie M.  
 Foss, Patricia H.  
 Hashem, Elaine M.  
 Kinney, Paula J.  
 Messier, Donald R.  
 Spencer, Leo J.  
 Vincent, Francis C.

Corte, Arthur B.  
 Frechette, Roland A.  
 Jankowski, Peter M.  
 Knowles, William V.  
 Musler, George T.  
 Sullivan, Henry P.  
 Wheeler, Katherine W.

Flynn, Edward J.  
 Gilmore, Gary R.  
 Kincaid, William K.  
 Merrill, Amanda A.  
 Nehring, William H.  
 Torr, Ann M.  
 Young, John B.

### SULLIVAN

Allison, David C.  
 Krueger, Richard H.  
 Rodeschin, Beverly T.  
 Walsh, Robert R.

Burling, Peter Hoe  
 Middleton, John A.  
 Schotanus, Merle W.

Flint, Gordon B.  
 Peyron, Fredrik  
 Stamatakis, Carol M.

### NAYS 121 BELKNAP

Accornero, Harry  
 Holbrook, Robert G.  
 Maviglio, Steven R.

Cain, Thomas G.  
 Johnson, Carl R.  
 Turner, Robert H.

Campbell, Richard H., Jr.  
 Joscelyn, William W.

### CARROLL

Allard, Nanci A.

Chandler, Gene G.

Wiggin, Allen R.

### CHESHIRE

Cole, Kenneth A.  
 Laurent, John J.  
 Pearson, Gertrude B.

Feuer, Joseph N.  
 Lynch, Margaret A.  
 Sawyer, Alfred P.

Foster, Katherine D.  
 Mohr, Frederick C., Jr.

### COOS

Buckley, C. Fitzgerald

Hawkinson, Marie C.

### GRAFTON

Brown, Channing T.  
 Dow, David  
 Hill, Richard L.  
 Scanlan, David M.

Brown, Patricia B.  
 Driscoll, William J.  
 Markley, J. Keith  
 Stewart, Roger D.

Copenhaver, Marion L.  
 Guest, Robert H.  
 McIlwaine, Deborah P.  
 Ward, Kathleen W.

### HILLSBOROUGH

Ahrens, Frederick G.  
 Carpenter, Karen A.  
 Daniels, Gary L.

Alukonis, David J.  
 Cook, Valerie S.  
 Desrochers, Gerard T.

Bourque, Ann J.  
 Daigle, Robert A.  
 Dodge, Emma M.

Domaingue, Jacquelyn M.	Durham, Susan B.	Elliott, Larry G.
Ferguson, Charles	Ferlan, Arthur P.	Ford, Nancy M.
Goulet, Maurice E.	Hultgren, David D.	Janas, Gregory
Jasper, Shawn N.	Jean, Romeo W.	Johnson, Lionel W.
Kurk, Neal M.	Lachut, Ervin R.	Lawrence, Eva M.
Lawrence, Norman B.	Lown, Elizabeth D.	Lozeau, Donnalee M.
Martin, Mary Ellen	Murphy, Robert E.	Ouellette, Robert O.
Rheault, Lillian I.	Riley, Frances L.	Rothhaus, Finlay C.
Tarpley-Bamberger, Nancy L.	Upton, Barbara A.	Wheeler, Robert L.
White, John M.	Wright, George W.	

**MERRIMACK**

Boucher, Laurent J.	Dunn, Miriam D.	Hager, Elizabeth S.
Hall, Douglas E.	Kidder, William F.	Lewis, Mary Ann
Molner, Mary E.	Smith, Gerald R.	Wallner, Mary Jane
Weeks, John F., Jr.	Yeaton, Charles B.	

**ROCKINGHAM**

Bell, Juanita L.	Campbell, Marilyn R.	Chulack, Peter G., Sr.
Clark, Martha Fuller	Conroy, Janet M.	Dowling, Patricia A.
Ford, Bert H.	Greene, Elizabeth A.	Griebsch, Linda
Hutchinson, Karen K.	Kane, Cecelia D.	MacKinnon, Nancy W.
McGovern, Cynthia A.	Packard, Sherman A.	Rubin, George R.
Seward, Russell G.	Smith, Arthur W.	Syracusa, Anthony
Sytek, Donna P.	Sytek, John J.	Terninko, Margaret B.
Tufts, Arthur	Warburton, Calvin	Wells, Henry E.

**STRAFFORD**

Bickford, Drucilla	Douglass, Clyde J.	Hambrick, Patricia A.
Keans, Sandra B.	Marston, Robert E.	Marling, W. Kent
McCann, William H., Jr.	O'Brien, John	Pelley, Janet R.
Torr, Ralph W.	Tsiros, William	Wall, Janet G.

**SULLIVAN**

Behrens, Thomas A.	Domini, Irene C.	Lindblade, Eric N.
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and SB 306 was removed from the table.

Rep. Benton moved that the Committee report, Ought to Pass with Amendment, be adopted and spoke in favor. (Amendment adopted HJ 18 3/26/92)

Rep. Jasper spoke against.

Rep. Gross spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the Committee report.

**YEAS 206****NAYS 132****YEAS 206  
BELKNAP**

Bartlett, Gordon E.	Cain, Thomas G.	Campbell, Richard H., Jr.
Dewhirst, Glenn E.	Golden, Paul A.	Hawkins, Robert S.
Rice, Thomas E. P., Jr.	Rosen, Ralph J.	Salatiello, Thomas B.
Shibley, Arnold P.	Vogler, Charles C.	Ziegra, Alice S.

**CARROLL**

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Stacey W.  
Feuer, Joseph N.  
Kennison, Wayne A.  
Mohr, Frederick C., Jr.

Champagne, Richard L.  
Crutchley, Donald O.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Perry, David M.

Clark, Eugene W.  
Doucette, Richard F.  
Hunt, John B.  
Metzger, Katherine H.

**COOS**

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Coulombe, Henry W.  
Horton, Lynn C.  
Nelson, Harold D.  
Theriault, Romeo J.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
LaMott, Paul I.  
Teschner, Douglass P.

Christy, C. Dana  
Lougee, Richard W.  
Trelfa, Richard T.

Driscoll, William J.  
Nielsen, Niels F., Jr.  
White, Paul R.

**HILLSBOROUGH**

Ackerman, Philip M.  
Arnold, Barbara E.  
Buckley, Raymond  
Cote, David E.  
Donovan, Francis X.  
Dyer, Merton S.  
Fields, Dennis H.  
Green, Scott E.  
Hanselman, Gregory L.  
Johnson, Lionel W.  
Kelley, Robert N.  
Larochelle, Roger B.  
Martin, Mary Ellen  
McDowell, James E.  
Mercer, Robert S.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Reidy, Frank J.  
Searles, Stanley N., Sr.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.

Amidon, Eleanor H.  
Asselin, Robert P.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Drabinowicz, A. Theresa  
Emerton, Lawrence A.  
Gage, Ruth E.  
Greenglass, Alan B.  
Healy, Daniel J.  
Keane, Cornelius J.  
King, Frank P.  
Laughlin, J. Francis  
Mason, Howard F.  
McNerney, Daniel P.  
Messier, Irene M.  
Ouellette, Robert O.  
Peters, Stanley W.  
Rheault, Lillian I.  
Smith, Leonard A.  
Tate, Joan C.

Andrews, Frederick B.  
Bowers, Dorothy C.  
Clemons, Jane A.  
Desrosiers, William J.  
Drolet, Paul L.  
Fenton, James J.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
McRae, Karen K.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Record, Alice B.  
Sallada, Roland A.  
Stiles, Walter A.  
Turgeon, Roland M.

**MERRIMACK**

Apple, Lowell D.  
Braiterman, Thea  
Chandler, John P.  
Feuerstein, Martin

Asplund, Bronwyn L.  
Carter, Susan D.  
Christie, Thomas J.  
Fillion, Paul R.

Barberia, Richard A.  
Chandler, Earle W.  
Daneault, Gabriel J.  
Gilbreth, Robert M.



Gross, Caroline L.  
Johnson, C. William  
Stio, Peter M.

Hayes, Robert C.  
Letourneau, George E.  
Teague, Bert

Holmes, Mary C.  
Soldati, Jennifer G.  
Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
Caswell, Albert, Jr.  
Coffey, John J.  
Cote, Patricia L.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Hynes, Carolyn E.  
Katsakiores, Phyllis  
Magoon, Harold F.  
McKinney, Betsy  
Raynowska, Bernard J.  
Schmidtchen, Rowland H.  
Welch, David A.  
Woods, Deborah L.

Benton, Richardson D.  
Christie, Andrew, Jr.  
Connell, David R.  
Dowd, Sandra K.  
Flanders, David A.  
Hoelzel, Kathleen M.  
Johnson, Robert A.  
Klemarczyk, Thaddeus E.  
Malcolm, Kenneth W.  
Melnick, Roy E.  
Roulston, Donald L.  
Senter, Marilyn P.  
Wells, Henry E.

Boucher, William P.  
Clark, Martha Fuller  
Cooke, Annette M.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Hurst, Sharleene P.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
McCain, William F.  
Packard, Sherman A.  
Schanda, Joseph, Sr.  
Thayer, Leroy C.  
Weyler, Kenneth L.

### STRAFFORD

Brown, Julie M.  
Foss, Patricia H.  
Hashem, Elaine M.  
Kinney, Paula J.  
Musler, George T.  
Sullivan, Henry P.  
Vincent, Francis C.

Corte, Arthur B.  
Frechette, Roland A.  
Jankowski, Peter M.  
Knowles, William V.  
Nehring, William H.  
Torr, Ann M.  
Wheeler, Katherine W.

Flynn, Edward J.  
Gilmore, Gary R.  
Kincaid, William K.  
Messier, Donald R.  
Spencer, Leo J.  
Tsiros, William  
Young, John B.

### SULLIVAN

Allison, David C.  
Lindblade, Eric N.  
Stamatakis, Carol M.

Flint, Gordon B.  
Peyron, Fredrik  
Walsh, Robert R.

Krueger, Richard H.  
Rodeschin, Beverly T.

### NAYS 132

### BELKNAP

Accornero, Harry  
Joscelyn, William W.  
Zaharchuk, Peter J., Jr.

Holbrook, Robert G.  
Maviglio, Steven R.

Johnson, Carl R.  
Turner, Robert H.

### CARROLL

Allard, Nanci A.

Chandler, Gene G.

### CHESHIRE

Cole, Kenneth A.  
Lynch, Margaret A.  
Sawyer, Alfred P.

Foster, Katherine D.  
Pearson, Gertrude B.  
Young, David A.

Laurent, John J.  
Pratt, Irene A.

### COOS

Brungot, Catherine V.

### GRAFTON

Brown, Channing T.  
Copenhaver, Marion L.

Brown, Patricia B.  
Dow, David

Chambers, Mary P.  
Guest, Robert H.

Hill, Richard L.  
McIlwaine, Deborah P.  
Wadsworth, Karen O.

Larson, Nils H., Jr.  
Scanlan, David M.  
Ward, Kathleen W.

Markley, J. Keith  
Stewart, Roger D.

### HILLSBOROUGH

Ahrens, Frederick G.  
Bourque, Ann J.  
Cook, Valerie S.  
Desrochers, Gerard T.  
Durham, Susan B.  
Ferguson, Charles  
Goulet, Maurice E.  
Hultgren, David D.  
Jean, Romeo W.  
Lawrence, Eva M.  
Lozeau, Donnalee M.  
Packard, Bonnie B.  
Soucy, Donna M.  
Wheeler, Robert L.

Alukonis, David J.  
Calawa, Leon, Jr.  
Daigle, Robert A.  
Dodge, Emma M.  
Dwyer, Patricia R.  
Ferlan, Arthur P.  
Haettenschwiller, Alphonse  
Janas, Gregory  
Kurk, Neal M.  
Lawrence, Norman B.  
Moore, Elizabeth A.  
Riley, Frances L.  
Upton, Barbara A.  
White, John M.

Baker, George H., Sr.  
Carpenter, Karen A.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Ford, Nancy M.  
Holden, Carol H.  
Jasper, Shawn N.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
Murphy, Robert E.  
Rothhaus, Finlay C.  
Wheeler, David K.  
Wright, George W.

### MERRIMACK

Boucher, Laurent J.  
Hager, Elizabeth S.  
Kidder, William F.  
Molner, Mary E.  
Yeaton, Charles B.

Dunn, Miriam D.  
Hall, Douglas E.  
Lewis, Mary Ann  
Wallner, Mary Jane

Fair, Patricia A.  
Johnson, Joyce M.  
Lockwood, Robert A.  
Weeks, John F., Jr.

### ROCKINGHAM

Bell, Juanita L.  
Conroy, Janet M.  
Dube, LeRoy S.  
Griebsch, Linda  
Kane, Cecelia D.  
McGovern, Cynthia A.  
Seward, Russell G.  
Syracusa, Anthony  
Terninko, Margaret B.  
Warburton, Calvin

Campbell, Marilyn R.  
DiPietro, Carmela M.  
Ford, Bert H.  
Hoar, John, Jr.  
MacKinnon, Nancy W.  
Rosencrantz, James R.  
Skinner, Patricia M.  
Sytek, Donna P.  
Tufts, Arthur

Chulack, Peter G., Sr.  
Dowling, Patricia A.  
Greene, Elizabeth A.  
Hutchinson, Karen K.  
McCarthy, John J., Jr.  
Rubin, George R.  
Smith, Arthur W.  
Sytek, John J.  
Vaughn, Charles L.

### STRAFFORD

Bickford, Drucilla  
Keans, Sandra B.  
McCann, William H., Jr.  
Pelley, Janet R.

Douglass, Clyde J.  
Marston, Robert E.  
Merrill, Amanda A.  
Torr, Ralph W.

Hambrick, Patricia A.  
Martling, W. Kent  
O'Brien, John  
Wall, Janet G.

### SULLIVAN

Behrens, Thomas A.  
Middleton, John A.  
and the report was adopted.  
Referred to Appropriations.

Burling, Peter Hoe  
Schotanus, Merle W.

Domini, Irene C.

**SENATE MESSAGES****ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

**HB 1256-FN-A**, requiring the department of transportation to study the United States Route 3 and New Hampshire Route 11 transportation corridor.

The President appointed Sens. Oleson, Cohen and Currier.

**HB 1305**, permitting the carrying and selling of antique gun canes.

The President appointed Sens. Heath, J. King and Cohen.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet April 7 at 1:00 p.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SCR 11**, encouraging the U.S. Congress and the President of the United States to consider the economic impact of federal laws and legislation on states.

**SB 331**, relative to gender equity in athletics.

**SB 326-FN**, relative to the Lamprey solid waste district.

**SB 430-FN**, relative to the establishment of regional offices for the vocational rehabilitation division.

**SB 359**, relative to expending moneys by the OHRV bureau for trail maintenance expenses.

**SB 386-FN**, relative to the publications, specialty items and fund raising revolving fund of the fish and game department and authorizing certain fund raising by the department.

**SB 398**, permitting the sale of red deer and elk venison.

**SB 323**, establishing a committee to study the issue of physician self-referrals.

**SB 360**, establishing a committee to study head injury cases in New Hampshire.

**SB 410**, relative to AIDS.

**SB 404-FN**, relative to chiropractic practitioners and privileged communications.

**SB 380**, relative to membership on planning boards in towns with the town council form of government and relative to the 4-year exemption from certain subdivision regulations and zoning ordinances.

**SB 367**, authorizing the department of resources and economic development to sell the Nansen ski jump facility if no interest exists in the private sector to maintain and operate the facility.

**SB 368**, changing statutory references to automobile graveyards, motor vehicle junkyards and junk vehicles to include automotive recycling yards or vehicles.

**UNANIMOUS CONSENT**

Rep. LaMott addressed the House by unanimous consent.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 3:05 p.m.

RECESS

(Rep. William McCain in the Chair)

ENROLLED BILLS REPORT

**HB 503**, relative to recovery of medical assistance payments.

**HB 534**, amending the habitual offender penalties to provide for special alternative incarceration.

**HB 1152**, authorizing the office of child support enforcement services, a dependent child, or his parent or guardian to receive directly from a health insurer a certificate of insurance covering any dependent child.

**HB 1207**, exempting hospice houses from certificate of need review.

**HB 1261**, requiring the department of transportation to conduct a study relative to the construction of certain portions of U.S. Route 3.

**HB 1265**, regulating small motor mineral dredging and panning.

**SB 421**, relative to fireworks.

Sen. Currier, Rep. Dunn for the Committee

Rep. Earle Chandler moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 20

Tuesday, April 7, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O God of all the universes, we are thankful that Your compassion embraces not only the movement of the stars but the flight of the sparrow and the paths of our lives. Support us with Your care as this day's session begins, that we may trust our gifts, be truly open to one another, and perform our work with high purpose and deep conviction. Make the members of this body keenly aware of the important role which they play in the shaping of this state's future, and grant unto each of them abundant measures of energy, insight and compassion. Amen.

Rep. Haettenschwiller led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Martling, A. Gibb Dodge, Morse, Parks, LaMar, Anderson, Hambrick, Molner and Parr, the day, illness.

Reps. Irene Pratt, Dewhirst, Jeffrey Brown, Hayes, Ruth Gage, Haynes, Laroche, Nordgren, Baroody, Bean and Annette Cooke, the day, important business.

Reps. Harland, Larson, Appleby and Pantelakos, the day, illness in the family.

### INTRODUCTION OF GUESTS

Martha Robinson and Tracey Bennett, students from Alvirne High School, guests of Reps. Robinson and Jasper. Linda Thayer, wife of Rep. Thayer. Members of the New Hampshire Congress of Parents and Teachers, guests of Rep. Holden. Sarah Arnold, Mary Elizabeth Barker and Arlene Margulies, guests of Rep. Record. Calvin Keith, father of Rep. Keith. William Wilson and Bertha Klemm, uncle and mother of Rep. Klemm. Former Rep. Marion Lord, mother of Rep. Gross.

### SENATE MESSAGES

#### CONCURRENCE

**HB 726-FN-A**, relative to fees charged for vital records.

**HB 1118**, relative to membership of the permanent committee for barrier-free design.

**HB 1122** establishing a committee to study all areas of apple cider standards, licensing and labeling.

**HB 1243**, revising the Patients' Bill of Rights.

**HCR 30**, relative to the small-issue industrial development bond program.

### REQUESTS CONCURRENCE WITH AMENDMENT

**HB 1242**, establishing a study committee on certain current use issues. (Amendment printed SJ 11, 3/24/92)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

### RESOLUTION

Its introduction having been approved by the Rules Committee: Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolution 68, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HR

### First, second reading and referral

**HR 68**, encouraging the Commission on National and Community Service to provide federal grant moneys for state-wide community service opportunities. (Skinner of Rockingham Dist. 21; Cohen of Dist. 24 - to Labor, Industrial and Rehabilitative Services)

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 371**, establishing a committee to study the feasibility of year round schools, was removed at the request of Rep. Skinner.

**SB 334-FN-A**, authorizing the division of public health services to carry out a rabies surveillance to identify and gauge the threat to the public's health, was removed at the request of Rep. Robert Foster.

**SB 444**, relative to the definition of ski craft, was removed at the request of Rep. Dickinson.

Consent Calendar adopted.

**SB 383**, establishing a committee to recommend to the state board of education different methods of obtaining information on persons convicted of any felony involving child abuse. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alphonse A. Haettenschwiler for Children, Youth and Juvenile Justice: The Committee feels strongly that school authorities need a mechanism to screen prospective school employees for felonious criminal convictions, particularly for child abuse. This amendment more clearly establishes the intent of the bill to develop an acceptable method to accomplish this. A school administrator with primary responsibility for personnel appointed by the New Hampshire Association of School Administrators has been substituted for an elementary teacher on the committee. Vote 12-0.

5607L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a committee to recommend a method of screening school district applicants for employment for felony convictions.

Amend the bill by replacing all after the enacting clause with the following:

I Committee on Convicted Child Abusers Established. There is hereby established a committee to recommend a method by which school district applicants for employment can be screened for felonious criminal convictions. The committee shall consist of the following members:

I. Two house members, one appointed by the speaker of the house and one appointed by the chairman of the education committee.

II. Two senators, one appointed by the senate president and one appointed by the chairman of the education committee.

III. The commissioner of education, or designee.

IV. One superintendent, appointed by the New Hampshire School Administrators Association.

V. One elementary principal, appointed by the New Hampshire Association of School Principals.

VI. One school administrator with primary responsibility for personnel, appointed by the New Hampshire association of school administrators.

VII. One attorney, appointed by the attorney general.

2 Meetings; Compensation. The committee shall choose a chairperson from among its members. Members of the committee shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to the duties of the committee. The first-appointed senate member shall call the first meeting prior to July 1, 1992.

3 Report. The committee shall make a report recommending a method by which school district applicants for employment can be screened for felonious criminal convictions. The committee shall submit its report including recommendations for legislation, to the governor, the senate president, and the speaker of the house on or before November 1, 1992.

4 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a committee to recommend a method by which school district applicants for employment can be screened for felonious criminal convictions.

The committee is required to submit a report to the governor, the president of the senate and the speaker of the house on or before November 1, 1992.

**SB 392**, relative to guardians ad litem. OUGHT TO PASS WITH AMENDMENT.

Rep. Josephine Mayhew for Children, Youth and Juvenile Justice: In all proceedings for divorce, nullity or legal separation, this bill permits a court to limit the scope of a guardian ad litem appointment. It also specifies the powers and duties of guardians and the method for payment of fees to guardians and others, utilized by the guardian and approved by the Court. The amendment sets up a study committee which will study the appointments, use and compensation of guardians ad litem in the superior, probate, and district courts. Vote 16-0.

5549L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to guardians ad litem and establishing a committee to study the appointment, use, and compensation of guardians ad litem.

Amend the bill by replacing all after section 3 with the following:

4 Committee Established.

I. A committee is hereby established to study the appointment, use, and compensation of guardians ad litem in the superior, probate, and district courts.

II. The committee shall consist of the following members:

(a) Two members of the senate, appointed by the president of the senate.

(b) Two members of the house, one from the children, youth and juvenile justice committee and one from the judiciary committee, both appointed by the speaker of the house.

(c) One superior court justice appointed by the chief justice of the supreme court.

(d) One probate court justice appointed by the chief justice of the supreme court.

(e) One district court justice appointed by the chief justice of the supreme court.

(f) Two attorneys appointed by the New Hampshire Bar Association, one who is experienced in domestic matters and one who is experienced in juvenile matters.

(g) Two persons who are not attorneys appointed by the supreme court, one who is experienced as a guardian ad litem in domestic matters and one who is experienced as a guardian ad litem in juvenile matters.

(h) The director of the division for children and youth services or designee.

(i) One member appointed by the New Hampshire Association of Counties.

(j) The chairman of the judicial council or his designee.

III. The members shall be appointed within 30 days of the effective date of this act. The members shall elect a chairman at the committee's first meeting.

IV. The members of the committee shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

V. The committee shall submit its report, along with any proposed legislation or court rules, to the senate president, speaker of the house, governor, and the chief justice of the supreme court no later than November 1, 1992.

5 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

**SB 418**, changing the title of juvenile services officers to juvenile probation-parole officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William F. McCain for Children, Youth and Juvenile Justice: The bill changes the official title of the Juvenile Services Officer (JSO) to Juvenile Enforcement Officer (JEO). The testimony was in favor of the old title Juvenile Parole-Probation Officer. The Committee feels that such change would be regressive and non-productive. The Committee hopes that it never handles CHINS (and limited abuse cases) as parole or probation problems. The Committee also had questions as to job title changes that might change levels without personnel being involved. The JSO is a reasonable compromise to solve all concerns. Vote 13-0.

5544L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

changing the title of juvenile services officers to  
juvenile enforcement officers.

Amend the bill by replacing sections 1-3 with the following:

1 Reference Changes. Amend the following RSA provisions by replacing "juvenile services officer" with "juvenile enforcement officer": RSA 169-B:2, VIII(c); 169-B:9; 169-B:9-a; the unnumbered concluding paragraph of 169-B:24, VIII; 169-B:25; 169-B:30; 169-C:3, XXIV; 169-C:6, I, II, III; 169-C:34, IV; 169-D:8, II; 169-D:9-a; and 170-G:1, VI.

2 Reference Changes. Amend the following provisions by replacing "juvenile services officers" or "juvenile service officers" with "juvenile enforcement officers": RSA 169-B:35; 169-D:2, VI(c); 169-D:25; 170-G:3, III; 170-G:4, II-a; 170-G:15; and 170-G:16.



3 Probation-Parole Officers; Reference Clarified. Amend the introductory paragraph of RSA 21-H:8, VIII to read as follows:

VIII. The commissioner shall, in accordance with state personnel rules and the appropriation made therefor, appoint probation-parole officers **provided, however, that he shall not appoint or have authority over juvenile enforcement officers.** Such officers shall be classified employees and shall have all the duties, powers and responsibilities conferred by law on state probation officers and assistant state parole officers. Probation-parole officers who complete a course of training prescribed by the commissioner after consultation with the police standards and training council, shall have the authority to:

#### AMENDED ANALYSIS

This bill changes the title of juvenile services officers to juvenile enforcement officers.

This bill also changes certain references to the term "conditional release" to "juvenile probation."

**SB 377-FN**, relative to penalties for mortgage brokers who fail to file annual reports. **OUGHT TO PASS WITH AMENDMENT.**

Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs: SB 377-FN allows mortgage brokers to file the proper forms with the Banking Commissioner. Forms are being rewritten by the Banking Department. Formerly, a fine of \$25 per day "shall" be levied against noncompliance. This is changed to "may" be levied by the Banking Commissioner. The Fiscal Note calls for a state decrease in revenues by \$1,300 in FY 1993 and each year thereafter. Vote 12-0.

5519L

#### Amendment

Amend RSA 397-A:13, III as inserted by section 1 of the bill by replacing it with the following:

III. Any licensee failing to file the report required by this section within the time prescribed [shall] **may be required to** pay to the banking department a penalty of \$25 for each calendar day the report is overdue. If a licensee elects to file a composite report and the composite report is not filed on or before February 1 as required in this section, the penalty prescribed in this section shall apply separately for each license and branch license so violating. **The penalties prescribed by this paragraph shall not apply to mortgage brokers licensed under this chapter who earned no money from purchasing, placing or selling first mortgage loans during the preceding year and who indicate such in writing to the banking department on or before February 1.**

#### AMENDED ANALYSIS

This bill exempts from penalties for failure to file annual reports persons licensed as mortgage brokers who earned no money purchasing, placing or selling first mortgage loans during the preceding year. The bill also makes imposition of a penalty for overdue annual reports discretionary for the banking department.

**SB 381**, relative to interest on escrow accounts. **OUGHT TO PASS WITH AMENDMENT**

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill changes interest paid on escrow accounts from five percent to a minimum rate of one percent below the mean interest rate paid by New Hampshire chartered banks on

regular passbook savings accounts. Hopefully this will settle this issue for a long time to come. Vote 14-0.

5586L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Interest on Escrow Accounts. Amend RSA 384:16-c to read as follows:

384:16-c Interest on Escrow Accounts. Any bank which requires or accepts moneys for deposit in escrow accounts maintained for the payment of taxes[,] or insurance premiums [or other expenses] related to loans on property secured by real estate mortgages shall credit each such escrow account with interest at a **minimum rate [of not less than 5 percent per year] set for a 6-month period by the bank commissioner on February 1 and August 1 of each year which shall be one percent below the mean interest rate paid by New Hampshire chartered banks on regular passbook savings accounts. The commissioner shall announce such rate to applicable New Hampshire trade associations. Each bank subject to the provisions of this section shall inform itself of such rate by contacting applicable New Hampshire trade associations or the banking department.**

2 Escrow Accounts of Mortgage Companies. Amend RSA 384:16-e to read as follows:

384:16-e Escrow Accounts of Mortgage Companies. Any company which is in the business of or customarily makes loans for the purpose of financing the acquisition of single family homes and which is not subject to the requirements of RSA 384:16-c and which requires or accepts moneys for deposit in escrow accounts maintained for the payment of taxes[,] or insurance premiums [or other expenses] related to loans on single family homes secured by real estate mortgages on property located in New Hampshire shall credit each such escrow account with interest [at a rate of not less than 5 percent per year] on all existing and future escrow accounts **at a rate set for a 6-month period by the bank commissioner on February 1 and August 1 of each year which shall be one percent below the mean interest rate paid by New Hampshire chartered banks on regular passbook savings accounts. The commissioner shall announce such rate to applicable New Hampshire trade associations. Each company subject to the provisions of this section shall inform itself of such rate by contacting applicable New Hampshire trade associations or the banking department.**

3 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill requires banks and mortgage companies to pay interest on escrow accounts at a minimum rate of one percent below the mean interest rate paid by New Hampshire chartered banks on regular passbook savings accounts.

**SB 340-FN**, clarifying the definition of a school district. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M. Hoelzel for Education: For all unincorporated and unorganized places in Coos county, Coos county will constitute the school district. The Commissioners will act as a school board and the delegation as the legislative body. There are approximately twenty students involved and they are all tuitioned to incorporated school districts. Vote 17-0.

5570L

**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of School District Clarified. Amend RSA 194:1 to read as follows:

194:1 What Constitutes a District. Each town shall constitute a single district for school purposes; provided[,] that districts organized under special acts of the legislature may retain their present organization, and the word "town", wherever used in the statutes in connection with the government, administration, support or improvement of the public schools, shall mean district. **Notwithstanding any other provision of law to the contrary, in the case of unincorporated towns or unorganized places in Coos county, Coos county shall constitute the district.**

2 Coos County School District Established. After the effective date of this act the Coos county school district, consisting of all unincorporated towns and unorganized places in Coos county, has all of the powers, obligations and duties granted to or placed upon other school districts of the state under any provision of state law, except that the school district shall not vote any money to be spent for any school year prior to the fiscal year beginning July 1, 1993.

3 School Board. The Coos County Commissioners shall constitute the Coos county school board for the transaction of business and establishment of a school budget. The Coos county delegation shall constitute the legislative body for purposes of acting upon said school budget.

4 School Administrative Unit. Notwithstanding the provisions of RSA 186:11, I, the Coos county school district shall not be assigned to a school administrative unit. The county administration shall consult with the appropriate superintendents and the state department of education in respect to the statutory requirements of the school district.

5 State Aid. Coos county school district shall be eligible for state aid to education. For the purposes of foundation aid, each unincorporated place with students shall be treated as a pre-existing district. In the event that personal income is not available, the Coos county per capita income shall be used.

6 Effective Date. This act shall take effect upon its passage.

**SJR 1-FN**, requiring the department of education to develop a computer education program for public schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kathleen M. Hoelzel for Education: The Department of Education would prepare and develop computer education guidelines, addressing health and safety issues for schools. Vote 17-0.

5442L

**Amendment**

Amend the resolution by replacing all after the resolving clause with the following:

That the department of education prepare, develop and administer computer education guidelines for our public schools. This program shall include guidelines for instruction in operation and address health and safety issues inherent in computer use; and

That copies of this resolution, be sent to the senate president, the speaker of the house, the state board of education and the governor.

Referred to Appropriations.

**SB 335-FN**, authorizing the board of marital mediator certification to establish and collect certification fees, establish a budget and certify certain applicants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Miriam D. Dunn for Executive Departments and Administration: This bill allows the Board of Marital Mediator Certification to establish and collect fees for marital mediators, marital mediator programs and training programs, as well as cover expenses of the Board. Senate Bill 335 also administratively attaches the Board to the New Hampshire Judicial Council for a two-year period. Vote 13-0.

5617L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

authorizing the board of marital mediator certification to establish and collect certification fees, certify certain applicants and making an appropriation therefor.

Amend section 1 of the bill by replacing it with the following:

1 New Sections; Marital Mediators. Amend RSA 328-C by inserting after section 10 the following new sections:

328-C:11 Fees. The board shall establish fees for applications for certification and certification renewal under this chapter. The fees established by the board shall recover revenues equal to 125 percent of the direct operating expenses of the board for the previous year or the full cost of the board for the previous year, including the cost of support and administrative services provided by other agencies, whichever is greater. Fees collected under this chapter shall be deposited in the general fund.

328-C:12 Expenses. Members of the board shall be reimbursed for all actual travel, incidental, telephone and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

328-C:13 Board of Marital Mediator Certification Administratively Attached. The board of marital mediator certification established under RSA 328-C:4 shall be administratively attached, under RSA 21-G:10, to the judicial council established in RSA 494.

Amend the bill by replacing all after section 3 with the following:

4 New Paragraph; Rulemaking Authority Added. Amend RSA 328-C:8 by inserting after paragraph V the following new paragraphs:

VI. Duration and content of training programs required by RSA 328-C:5, I.

VII. Establishment of fees for certification and certification renewal applications.

5 Rulemaking; Reference Removed. Amend RSA 328-C:8, II to read as follows:

II. Certification standards for marital mediator training programs [required by RSA 328-C:5, I].

6 Appropriation. The sum of \$5,000 is hereby appropriated for the fiscal year ending June 30, 1993, to the board of marital mediator certification. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Sunset Review. Within 2 years of the effective date of this act, the general court shall examine the administrative attachment of the board of marital mediator certification to the judicial council and make any recommendation relative to its continued administrative attachment.

8 Effective Date. This act shall take effect upon its passage.



## AMENDED ANALYSIS

This bill authorizes the board of marital mediator certification to establish fees for certification.

This bill also authorizes the board to adopt rules regarding the duration and content of training programs.

This bill also administratively attaches the board to the judicial council and makes a \$5,000 appropriation to the board. The general court shall review the administrative attachment of the board within 2 years of the effective date of this act.

Referred to Appropriations.

**SB 429**, relative to selecting engineers, architects, and surveyors by state agencies. OUGHT TO PASS.

Rep. Maurice E. Goulet for Executive Departments and Administration: This bill clarifies state agency procurement procedures for engineering, architectural and surveying services. The bill is needed to update existing law (RSA 21-I) to provide adequate notice of engineering, architectural and surveying services that will be required by state agencies. Vote 13-0.

**SB 462-FN**, relative to optional allowances and beneficiaries under the New Hampshire retirement system. OUGHT TO PASS.

Rep. Kathleen W. Ward for Executive Departments and Administration: This legislation provides an enhanced benefit to current system members upon retirement and the actuary finds no additional expense other than those associated with changes to the data files and annuity payroll system of an estimated \$40,000. Vote 13-0.

Referred to Appropriations.

**SB 342**, relative to resisting arrest or detention. OUGHT TO PASS

Rep. Donnalee M. Lozeau for Judiciary: The Committee believes that this is a reasonable piece of legislation. It would add language to the current law relative to resisting arrest, to include "physically" interfering with arrest. Vote 12-0.

**SB 396-FN**, relative to motor vehicles and defaults on court fines and taxes. INEXPEDIENT TO LEGISLATE

Rep. Alf E. Jacobson for Judiciary: Senate Bill 396 seeks to do three things: 1) report businesses delinquent in the payments for loss of registration; 2) require drivers' license numbers on car registrations; 3) report fine delinquents to credit bureaus. All of these new requirements add significantly to both local and state costs without sufficient positive effects that warrant the expense. Vote 12-1.

**SB 414-FN**, authorizing a pilot program in one county for investigative services for attorneys providing counsel to indigent defendants. OUGHT TO PASS

Rep. Alice Barnard Record for Judiciary: The Committee approved authorizing the state, within the limits of existing appropriations, to contract with licensed private investigators to provide investigative services for attorneys serving as counsel to indigent defendants, on a two-year basis in one county to be selected by the Judicial Council. Vote 15-0.

Referred to Appropriations.

**SB 426-FN**, establishing a task force to develop a strategy to train police and prosecutors to successfully prevent, investigate and prosecute sexual assault cases. **ought to pass with amendment**

Rep. Donnalee M. Lozeau for Judiciary: The purpose of the bill is to establish a task force to study successful training of people involved in sexual assault cases. The amendment changes some of the members and also adds some members. Vote 14-0.

5551L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a task force to develop a strategy to train police, prosecutors and correctional personnel to successfully prevent, investigate and prosecute sexual assault cases.

Amend the bill by replacing sections 1-3 with the following:

1 Task Force Established; Duties. There is established a law enforcement and prosecutor training task force to study and develop a statewide plan to enhance the training of police, prosecutors and correctional personnel in the prevention, investigation and prosecution of sexual assault cases by maximizing available resources.

2 Membership. The committee shall consist of the following members:

I. A justice of the superior court, appointed by the chief justice of the superior court.

II. Two county attorneys, appointed by the New Hampshire Association of Counties.

III. The director of the division of state police, or designee.

IV. The commissioner of the department of corrections, or designee.

V. The director of the office of victim/witness assistance, or designee.

VI. A representative of the New Hampshire Criminal Investigators' Association, appointed by the association.

VII. A victim/witness coordinator, appointed by the New Hampshire Association of Counties.

VIII. A representative of the New Hampshire Association of Police Chiefs, appointed by the association.

IX. A representative of the New Hampshire Police Association, appointed by the association.

X. A victims' advocate, appointed by the governor.

XI. A representative of the New Hampshire Coalition against Domestic and Sexual Violence, appointed by the Coalition.

XII. The superintendent of a county department of corrections, appointed by the New Hampshire Association of Counties.

XIII. The director of the police standards and training council, or designee.

XIV. An attorney representing the department of justice, appointed by the attorney general.

XV. An education specialist in sexual assault, appointed by the governor.

3 Chair; Meetings. The first meeting of the committee shall be called by the member who is a justice of the superior court. The chair of the committee shall be chosen by the members at the first meeting.

## AMENDED ANALYSIS

This bill establishes a task force to develop a strategy to train police, prosecutors and correctional personnel to successfully prevent, investigate and prosecute sexual assault cases.

**SB 470-FN-L**, relative to using electronic monitoring devices and community supervision as an alternative to prison. **INEXPEDIENT TO LEGISLATE**

Rep. Donnalee M. Lozeau for Judiciary: The Committee was confident that the proposed legislation was unnecessary and redundant. Clearly the Commissioner of Corrections already has broad discretion pursuant to RSA 651:25 to release inmates anytime during their sentence for the purpose of obtaining and working at gainful employment or for such other purposes as may be deemed conducive to rehabilitation, which could include electronic monitoring. The Court also has broad discretion in sentencing pursuant to RSA 651:2, particularly electronic monitoring in subsection V. Vote 11-3.

**SB 472-FN**, relative to the victims' assistance fund, the definition of obscene material, modifying sexual assault statutes, and continuing a study committee. **OUGHT TO PASS WITH AMENDMENT**

Rep. Donnalee M. Lozeau for Judiciary: This bill is too extensive to explain the way it should be in this small space. The Committee would urge members with interest in this area to read the bill as amended. The largest, most significant change is the sentencing provisions which would allow 10-20 years for the first conviction, 20-40 years for the second conviction, and the chance of life for a third conviction. This bill was supported by the rape task force. Vote 14-0.

5522L

## Amendment

Amend the title of the bill by replacing it with the following:

## AN ACT

relative to modifying sexual assault statutes and  
continuing a study committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. It is the policy of this state that sexual assault crimes shall be treated as the heinous crimes of violence that they truly are, and that persons convicted of those crimes shall be sentenced to severe penalties, including extended loss of liberty and heavy fines. In furtherance of this policy, it is the intention of the general court that persons convicted of sexual assault crimes, in the absence of truly mitigating factors, serve at least the minimum sentence provided under the law.

2 Committee Authorization Extended. This joint ad hoc committee to study the rape laws established by the senate president and speaker of the house on August 5, 1991, shall continue to review and recommend revisions in the sexual assault laws. The committee shall terminate on June 30, 1994.

I. The committee shall have access to all sentencing reports and any other sentencing information available from the judicial council.

II. The committee shall also request any sentencing report or any other sentencing information relative to crimes defined under RSA 632-A available from the judicial branch.

3 Sexual Assault; Definition of "Retaliate". RSA 632-A:1, II is repealed and reenacted to read as follows:

II. "Retaliate" means to undertake action against the interests of the victim, including, but not limited to:

- (a) Physical or mental torment or abuse.
- (b) Kidnapping, false imprisonment or extortion.
- (c) Public humiliation or disgrace.

4 New Paragraph; Definition Added. Amend RSA 632-A:1 by inserting after paragraph 1-a the following new paragraph:

I-b. "Genital openings" means the internal or external genitalia including, but not limited to, the vagina, labia majora, labia minora, vulva, urethra or perineum.

5 Sexual Penetration; Definition Modified. RSA 632-A:1, V is repealed and reenacted to read as follows:

V. "Sexual penetration" means:

- (a) Sexual intercourse; or
- (b) Cunnilingus; or
- (c) Fellatio; or
- (d) Anal intercourse; or
- (e) Any intrusion, however slight, of any part of the actor's body or any object manipulated by the actor into genital or anal openings of the victim's body; or
- (f) Any intrusion, however slight, of any part of the victim's body into genital or anal openings of the actor's body;
- (g) Any act which forces, coerces or intimidates the victim to perform any sexual penetration as defined in subparagraphs (a)-(f) on the actor, on another person, or on himself.

(h) Emission is not required as an element of any form of sexual penetration.

6 Aggravated Felonious Sexual Assault; Intentional Touching Added; Unethical Medical Treatment. Amend RSA 632-A:2 to read as follows:

632-A:2 Aggravated Felonious Sexual Assault.

I. A person is guilty of [a class A felony] **the felony of aggravated felonious sexual assault** if he engages in sexual penetration with another person under any of the following circumstances:

[I.] (a) When the actor overcomes the victim through the actual application of physical force, physical violence or superior physical strength.

[II.] (b) When the victim is physically helpless to resist.

[III.] (c) When the actor coerces the victim to submit by threatening to use physical violence or superior physical strength on the victim, and the victim believes that the actor has the present ability to execute these threats.

[IV.] (d) When the actor coerces the victim to submit by threatening to retaliate against the victim, or any other person, and the victim believes that the actor has the ability to execute these threats in the future.

[V.] (e) When the victim submits under circumstances involving false imprisonment, kidnapping or extortion.

[VI.] (f) When the actor, without the prior knowledge or consent of the victim, administers or has knowledge of another person administering to the victim any intoxicating substance which mentally incapacitates the victim.

[VII.] (g) When the actor [engages in] **provides therapy**, medical treatment or examination of the victim in a manner or for purposes which are not [medically] **professionally** recognized as ethical or acceptable.



[VIII.] (h) When, except as between legally married spouses, the victim is mentally defective and the actor knows or has reason to know that the victim is mentally defective.

[IX.] (i) When the actor through concealment or by the element of surprise is able to cause sexual penetration with the victim before the victim has an adequate chance to flee or resist.

[X.] (j) When, except as between legally married spouses, the victim is 13 years of age or older and under 16 years of age and:

[(a)] (1) the actor is a member of the same household as the victim; or

[(b)] (2) the actor is related by blood or affinity to the victim.

[X-a.] (k) When, except as between legally married spouses, the victim is 13 years of age or older and under 18 years of age and the actor is in a position of authority over the victim and uses this authority to coerce the victim to submit.

[XI.] (l) When the victim is less than 13 years of age.

**II. A person is guilty of aggravated felonious sexual assault without penetration when he intentionally touches the genitalia of a person under the age of 13 under circumstances that can be reasonably construed as being for the purpose of sexual arousal or gratification.**

7 Consent Defense; Lack of Consent Defined. Amend RSA 632-A:6 to read as follows:

632-A:6 Testimony and Evidence.

I. The testimony of the victim shall not be required to be corroborated in prosecutions under this chapter.

II. Prior consensual sexual activity between the victim and any person other than the actor shall not be admitted into evidence in any prosecution under this chapter.

III. Consent is no defense if, at the time of the sexual assault, the victim indicates by speech or conduct that there is not freely given consent to performance of the sexual act. A jury is not required to infer consent from a victim's failure to physically resist a sexual assault.

IV. At the request of a party the court shall, in cases under RSA 632-A, order witnesses excluded so that they cannot hear the testimony of other witnesses, and it may make the order of its own motion. This does not authorize exclusion of a party who is a natural person or a victim of the crime, or a person whose presence is shown by a party to be essential to the presentation of the party's cause.

8 New Section; Sexual Assault Penalties. Amend RSA 632-A by inserting after section 10 the following new section:

632-A:11 Penalties. Notwithstanding RSA 651:2:

I. A person convicted of aggravated felonious sexual assault under the provisions of RSA 632-A:2 shall be sentenced to a maximum sentence which is not to exceed 20 years and a minimum which is not to exceed 1/2 of the maximum.

II. If a court finds that a defendant has been previously convicted under RSA 632-A:2 or any other statute prohibiting the same conduct in another state, territory or possession of the United States, the defendant shall be sentenced to a maximum sentence which is not to exceed 40 years and a minimum which is not to exceed 1/2 of the maximum.

III. If the court finds that a defendant has been previously convicted of 2 or more offenses under RSA 632-A:2 or any other statute prohibiting the same conduct in

another state, territory or possession of the United States, the defendant shall be sentenced to life imprisonment and shall not be eligible for parole at any time.

IV. In this section, the phrase "previously convicted" shall mean any conviction obtained by trial on the merits, or negotiated plea with the assistance of counsel and evidencing a knowing, intelligent and voluntary waiver of the defendant's rights, provided, however, that previous imprisonment is not required.

9 Life Imprisonment; Reference Added. Amend RSA 651-A:7 to read as follows:

651-A:7 Eligibility for Release; Life Sentences. A prisoner serving a sentence of life imprisonment, except one convicted of murder in the first degree, [or] one convicted of murder which was psycho-sexual in nature and committed prior to April 15, 1974, **or one sentenced under RSA 632-A:11, III**, may be given a life permit at any time after having served 18 years. Eighteen years shall be deemed the minimum term of his sentence for the purposes of this section, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, provided that there shall appear to said board to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen. The provisions of this section shall not apply to a prisoner serving a life sentence when the court, pursuant to RSA 630:1-b, II, has specified a minimum term other than that prescribed in this section.

10 Indecent Exposure and Lewdness; Act in Presence of Child Under 16. Amend RSA 645:1 to read as follows:

645:1 Indecent Exposure and Lewdness. A person is guilty of a misdemeanor if he:

I. Fornicates, exposes his genitals or performs any other act of gross lewdness under circumstances which he should know will likely cause affront or alarm.

**II. Purposely performs any act of sexual penetration or sexual contact on himself or another in the presence of a child under 16 years of age.**

11 Sentencing; Victims' Testimony Not Required. Amend RSA 651:4-a to read as follows:

651:4-a Victims of Certain Violent Crimes Against a Person Permitted to Speak Before Sentencing. Before a judge sentences any person for capital, first degree or second degree murder, attempted murder, **manslaughter**, aggravated felonious sexual assault, **felonious sexual assault**, first degree assault, or negligent homicide committed in consequence of being under the influence of intoxicating liquor or controlled drugs, the victim of the offense, or the victim's next of kin if the victim has died, shall have the opportunity to address the judge. The victim or victim's next of kin may appear personally or by counsel and may reasonably express his views concerning the offense, the person responsible, and the need for restitution. The prosecutor, the person to be sentenced, and the attorney for the person to be sentenced shall have the right to be present when the victim or victim's next of kin so addresses the judge. The judge may consider the statements of the victim or next of kin made pursuant to this section when imposing sentence.

12 Aggravated Felonious Sexual Assault and Felonious Sexual Assault Conviction; Bail Not Allowed. Amend RSA 597:1-a, I to read as follows:

I. After conviction for an offense punishable by death or, by a term of life imprisonment without possibility of parole, **or for aggravated felonious sexual assault or felonious sexual assault**, a defendant shall not be allowed bail.

13 Suspended Sentence; Limitation Added. Amend RSA 651:20 to read as follows:

651:20 Incarceration Under Suspended Sentence.

**I.** Notwithstanding any other provisions of law, **except as provided in subparagraphs (a) and (b)**, the sentence to imprisonment of any person may be suspended, at the time of sentence unless otherwise ordered by the court, or at any time while any part of the sentence remains unserved, but a petition to suspend sentence may not be brought less than 2 years after commencement of said sentence nor more frequently than every 2 years thereafter.

**(a) Any person sentenced for any of the following violent crimes against a person listed in RSA 651:4-a shall not bring such petition to suspend sentence earlier than 4 years after commencement of said sentence nor more frequently than every 4 years thereafter.**

**(b)** [However,] A petition to suspend the sentence of [a] **any** state prison inmate may be brought at any time upon the recommendation of the commissioner, department of corrections, or designee.

**II.** A person whose sentence has been suspended may be required to report to the institution to which he has been sentenced to be incarcerated during weekends or at such times or intervals of time as the court may direct, except that weekend sentence provisions do not apply to the New Hampshire state prison. Time so spent in said institution shall be deducted from the maximum term, and where there are both a minimum and maximum term, from both. Any part of a day spent in the institution shall count as a full day toward the sentence.

14 Effective Date.

**I.** Section 2 of this act shall take effect upon its passage.

**II.** The remainder of the act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill modifies the sexual assault statutes and adds specific penalties for a person convicted of aggravated felonious sexual assault and continues the joint ad hoc committee to study the rape laws.

Referred to Appropriations.

**SB 318-L**, relative to fire protection areas within the town of Litchfield. **INEXPEDIENT TO LEGISLATE**

Rep. David M. Perry for Municipal and County Government: SB 318 calls for a special law creating a fire district for the town of Litchfield. The Committee feels the bill as presented to the committee may be illegal in its method of taxing only a portion of the town. There is now legislation on the books, RSA 52:1, under which the town may now set up a fire district. No new legislation is needed. Vote 13-0.

**SB 343**, relative to reconsideration of town meeting and school district meeting votes. **OUGHT TO PASS WITH AMENDMENT**

Rep. Kenneth L. Weyler for Municipal and County Government: The purpose of this clarification is to express the intent of the General Court that decisions passed by a local legislative body and further protected by a vote to restrict reconsideration shall not be changed at the same meeting by reintroduction of a defeated issue in the same or similar format. All testimony was favorable. Vote 14-0.

5557L

#### Amendment

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Restricted Votes. Amend RSA 40:10 by inserting after paragraph III the following new paragraphs:

IV. A restriction adopted under this section shall apply to any subsequent action by the meeting which alters or modifies the result of the restricted vote, regardless of whether or not the term "reconsider" is actually used.

V. This section shall apply to town meetings, cooperative school district meetings under RSA 195 and school district meetings under RSA 197.

#### AMENDED ANALYSIS

This bill allows towns to restrict actions at a school district or annual town meeting which alter or modify the result of restricted votes.

**SB 436-FN-L**, relative to aid to the permanently and totally disabled and the property tax exemption for the blind. **OUGHT TO PASS WITH AMENDMENT**

Rep. David M. Perry for Municipal and County Government: SB 436 enables the municipalities to increase the real estate tax exemption to the blind. The amendment references RSA 72:36-b as the procedure for enactment of the increased exemption. Vote 15-0.

5573L

#### Amendment

Amend the bill by replacing all after section 1 with the following:

2 Exemption for the Blind. Amend RSA 72:37 to read as follows:

72:37 Exemption for the Blind. Every inhabitant who is legally blind as determined by the blind services department of the vocational rehabilitation division of the education department shall be exempt each year on the assessed value, for property tax purposes, of his or her residential real estate to the value of \$15,000, **and a city or town may exempt any amount it may determine is appropriate to address significant increases in property values in accordance with the procedures in RSA 72:36-b.** The term "residential real estate" as used in this section shall mean the same as defined in RSA 72:29. All applications made under this section shall be subject to the provisions of RSA 72:33 and RSA 72:34.

3 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

**SB 447-L**, increasing the rate of interest paid on the amount of taxes abated. **INEXPEDIENT TO LEGISLATE**

Rep. Richard A. Grodin for Municipal and County Government: The General Court enacted the 12 percent charge on overdue taxes to cover municipal borrowing, administrative costs, and to act as a deterrent to nonpayment. Most of the testimony was opposed to the bill which would have penalized a municipality by requiring it to remit, at 12 percent interest, taxes paid and which later had a portion abated by Board of Tax and Land Appeals action. Currently the rate is 6 percent. Except for the sponsor's testimony, all other was in opposition. Vote 14-0.

**SB 311**, exempting certified fire investigators and certain towing companies from licensure under the detective agencies and securities services act, changing the qualification for fire investigators and changing the date for renewal or reinstatement of private detective licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Welch for Public Protection and Veterans Affairs: This legislation makes technical changes in three areas pertinent to the licensing of private detectives A.) Those persons licensed prior to December 31, 1989, who allowed their licenses to lapse, shall be granted renewal or reinstatement, provided that they had not been convicted of a felony in any jurisdiction since lapsing of their license. The New



Hampshire Department of Safety concurred in the grandfathering procedure, on the basis that only a few individuals (5 to 10) are involved. B.) By amendment, the word "federal" has been incorporated into RSA 106-F, so that persons who served for four years as a law enforcement officer in a federal, state, county or municipal police department would be eligible for licensure as a private detective in New Hampshire. C.) Employees of wrecking/towing companies who engage in the repossession of motor vehicles will not be required to be licensed as private detectives, inasmuch as the employees' function is primarily in the nature of "hook on and tow," rather than engaging in "search and seizure" operations. Vote 10-0.

5404L

#### Amendment

Amend RSA 106-F:6, VIII(d)(1) as inserted by section 3 of the bill by replacing it with the following:

(1) A minimum of 4 years' experience as [an investigator or] a full-time law enforcement officer with a **federal**, state, county or municipal police department; or

**SB 425-FN-L**, relative to statement of expenses for costs incurred for response to forest and brush fires. OUGHT TO PASS.

Reps. Janet M. Conroy and Peter M. Jankowski for Resources, Recreation and Development: Senate Bill 425 addresses the methodology by which the state reimburses municipalities for costs in fighting forest and brush fires with volunteers. The bill only pertains to municipalities in which there are state-owned lands such as state parks, forests and areas. The fiscal note in the original bill was in error as there is no change in cost to state or municipalities. Vote 15-0.

Referred to Appropriations.

**SB 316**, establishing a committee to study cable television rates and the possibility of introducing competition into the marketplace in order to lower rates. OUGHT TO PASS WITH AMENDMENT.

Rep. Philip M. Ackerman for Science, Technology and Energy: This bill establishes a study committee to determine if Cable TV rates can be controlled with measures to encourage competition. All testimony was favorable. The amendment added members from the telecommunications industry and satellite programmers, who may be competitors to Cable TV, to the makeup of the committee. Vote 8-2.

5555L

#### Amendment

Amend paragraphs I-V of section 1 of the bill by replacing them with the following:

I. Two representatives from the science and technology committee, appointed by the speaker of the house.

II. Two senators, appointed by the senate president.

III. Two consumers of cable services, appointed by the governor.

IV. Two representatives of the cable industry, appointed by the governor.

V. One representative of a municipality with a cable contract, appointed by the New Hampshire Municipal Association.

VI. One representative of the telecommunications industry, appointed by the governor.

VII. One representative of the satellite-delivered programming industry, appointed by the governor.

**SB 432-FN**, relative to motorcycle noise level limits. **OUGHT TO PASS.**

Rep. Thaddeus E. Klemarczyk for Transportation: This bill adds the necessary criteria to the present law concerning noise level of motorcycles for better law enforcement. Also, it allows the Commissioner of Safety to adopt rules relative to motorcycle noise levels. Vote 12-0.

### REGULAR CALENDAR

**SB 324**, establishing a commission on the family and permitting Jewish Rabbis who are not citizens of the United States to solemnize marriages. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dorothy C. Bowers for Children, Youth and Juvenile Justice: The amendment clarifies the problem of Jewish Rabbis being able to solemnize a marriage. The remaining part of this bill was deleted because the Committee knew there is other legislation dealing with families already in place. Vote 13-3.

5542L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

permitting Jewish Rabbis who are not citizens of the  
United States to solemnize marriages.

Amend the bill by replacing all after the enacting clause with the following:

1 Marriages; Rabbi's Authority to Perform. Amend RSA 457:37 to read as follows:  
457:37 Exceptions. Nothing contained in this chapter shall affect the right of Jewish Rabbis [who are citizens of the United States,] residing in this state, or of the people called Friends or Quakers, to solemnize marriages in the way usually practiced among them, and all marriages so solemnized shall be valid. Jewish Rabbis [who are citizens of the United States,] residing out of the state, may obtain a special license as provided by RSA 457:32.

2 Effective Date. This act shall take effect 60 days after its passage.

### AMENDED ANALYSIS

This bill permits Jewish Rabbis residing in this state who are not citizens of the United States to solemnize marriages.

Adopted.

Report adopted.

Ordered to third reading.

**SB 378**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David R. Connell for Children, Youth and Juvenile Justice: All parties concerned agree that the function should be transferred from the county attorneys to the Division. The bill, as amended, creates a transition process with an oversight team. The bill should be referred to Appropriations despite the absence of a fiscal note. The Division estimates a cost of \$482,791 for FY '93, which is contained in the Senate supplemental budget. Of this, 60 percent or more would be reimbursed with federal funds. The Committee cannot precisely evaluate the Division's estimate. Counties would save some money also. Vote 12-0.

5610L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

transferring certain duties under the uniform reciprocal enforcement of support act from county attorneys to the division of human services and providing for a transition period for such transfer.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition; Division. Amend RSA 546:2 by inserting after paragraph I-a the following new paragraph:

I-b. "Division" means the New Hampshire division of human services, department of health and human services.

2 Definition; Prosecuting Attorney. Amend RSA 546:2, VIII to read as follows:

VIII. "Prosecuting attorney" means the county attorney in the several counties **for petitions filed in court prior to January 1, 1993, and the division of human services for petitions filed in court on or after January 1, 1993.**

3 Duty to Represent; Duties Transferred. Amend RSA 546:18, I to read as follows:

I. After the court of this state acting as a responding state has received from the central interstate registry the [aforesaid] copies received from the court of the initiating state, the clerk of the court shall docket the case and notify the [county] **prosecuting** attorney of his action.

4 Duty to Represent; Duties Transferred. Amend RSA 546:18, II and III to read as follows:

II. It shall be the duty of the [county] **prosecuting** attorney to diligently [to] prosecute the case. He shall take all action necessary in accordance with the laws of this state to give the court jurisdiction of the defendant or his property and shall request the court to set a time and place for a hearing and give notice thereof to the defendant in accordance with law.

III. If the [county] **prosecuting** attorney neglects or refuses to represent the obligee, the attorney general may order him to comply with the request of the court or may undertake the representation.

5 Further Duties; Duties Transferred. Amend RSA 546:19 to read as follows:

546:19 Further Duties of Court and Officials in the Responding State.

I. The [county] **prosecuting** attorney shall, on his own initiative, use all means at his disposal to trace the defendant or his property and if, due to inaccuracies of the petition or otherwise, the court cannot obtain jurisdiction, the [county] **prosecuting** attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the court in the initiating state.

II. If the defendant or his property is not found in the county and the [county] **prosecuting** attorney discovers by any means that the defendant or his property may be found in another county of this state or in another state he shall so inform the court [and]. Thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that it forward the documents to the proper court. Thereupon both the court of the other county and any court of this state receiving the documents and the [county]

**prosecuting** attorney have the same powers and duties under this chapter as if the documents had been originally addressed to them. When the clerk of a court of this state retransmits documents to another court, he shall notify forthwith the court from which the documents came.

III. If the [county] **prosecuting** attorney has no information as to the whereabouts of the obligor or his property he shall so inform the initiating court.

6 Order of Support; Duties Transferred. Amend RSA 546:24 to read as follows:

546:24 Order of Support. If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order. Support orders made pursuant to this chapter shall require that payments be made to the probation department of the court of the responding state. The court [and county attorney] of any county where the obligor is present or has property **and the prosecuting attorney** have the same powers and duties to enforce the order as [have those] **has the court** of the county where it was first issued. If enforcement is impossible or cannot be completed in the county where the order was issued, the [county] **prosecuting** attorney shall transmit a certified copy of the order to the [county attorney] **court** of any county where it appears that procedures to enforce payment of the amount due would be effective. The [county attorney to whom the certified copy of the order is forwarded] **prosecuting attorney** shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

7 Inter-County Application; Duties Transferred. Amend RSA 546:32 to read as follows:

546:32 Inter-County Application. This chapter is applicable when both the petitioner and the defendant are in this state but in different counties. If the court of the county in which this petition is filed finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and finds that a court of another county in this state may obtain jurisdiction of the defendant or his property, the clerk of the court shall send [three] **3** copies of the petition and a certification of the findings to the court of the county in which the defendant or his property is found. The clerk of the court of the county receiving these copies shall notify the [county] **prosecuting** attorney of their receipt. The [county] **prosecuting** attorney and the court in the county to which the copies are forwarded shall then have duties corresponding to those imposed upon them when acting for the state as a responding state.

8 Official to Represent Obligee; Duties Transferred. Amend RSA 546:36 to read as follows:

546:36 Official to Represent Obligee. If this state is acting either as a rendering or registering state, the [county] **prosecuting** attorney, upon the request of the court, the division of human services, a county commissioner, an overseer of public welfare or other local welfare or other local welfare officer shall represent the obligee in proceedings under this part. If the [county] **prosecuting** attorney neglects or refuses to represent the obligee, the attorney general may order him to comply with the request or may undertake the representation.

9 Enforcement Duty; Duties Transferred. Amend RSA 546:37, II to read as follows:

II. Promptly upon registration the clerk of the court shall send by certified or registered mail to the obligor at the address given a notice of the registration with a copy of the registered support order and the post office address of the obligee. He



shall also docket the case and notify the [county] **prosecuting** attorney of his action. The prosecuting attorney shall proceed diligently to enforce the order.

10 New Section; Rulemaking. Amend RSA 546 by inserting after section 2 the following new section:

546:2-a Rulemaking. The director of the division of human services shall adopt rules, pursuant to RSA 541-A, which he deems necessary for the efficient administration of the duties with which he is charged under this chapter, provided that such rules shall not be inconsistent with the provisions of this chapter.

11 Transfer of Functions, Powers, Duties, Records and Property of County Attorneys to Division of Human Services.

I. A transition team consisting of the president of the Association of County Attorneys or designee, the director of the division of human services or designee, and a representative of the judicial council shall meet on a regular basis to assist in the effective and efficient transfer of all functions, powers, duties, records and property made necessary by this act from the county attorneys to the division of human services. The judicial council representative shall call the first meeting of the team prior to July 1, 1992.

II. During the period beginning July 1, 1992, and ending January 1, 1993, the division of human services shall take necessary action to hire and train appropriate personnel to carry out the powers and duties assigned to the division under this act.

III. County attorneys shall remain responsible for a petition under RSA 546 which is pending as of January 1, 1993, until an order is obtained or the division of human services, in its discretion, accepts responsibility for the case.

IV. The division of human services shall be responsible for all new URESA petitions and petitions for modification filed on or after January 1, 1993.

V. No later than January 1, 1993, county attorneys shall provide the division of human services with a list of all active cases, including any hearing dates scheduled in those cases.

VI. County attorneys shall maintain indefinitely all files closed prior to January 1, 1993. The division shall have access to such files for the purpose of pursuing modifications, contempts, and enforcement activities.

VII. All files transferred to the division by the county attorneys shall contain at least the following documentation: all pleadings, federal URESA forms, court orders, completed child support guideline worksheets, financial affidavits for the obligor, and related notes and correspondence.

12 Effective Date.

I. Sections 1-9 of this act shall take effect January 1, 1993.

II. The remainder of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill transfers duties under the uniform enforcement of support act from the county attorney to the office of child support enforcement services, division of human services, department of health and human services for petitions filed in court on or after January 1, 1993.

The bill establishes a transition team to assist county attorneys and the division in the transfer.

Adopted.

Report adopted.

Referred to Appropriations.

**SB 443-FN**, requiring the division for children and youth services to develop, implement and administer an automated case management system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William F. McCain for Children, Youth and Juvenile Justice: The Committee endorses this project in the strongest terms. The establishment of the case management system is paramount to the state ever reaching an acceptable level of handling the needs of children. If this system were already in place, the potential multimillions of dollar liability of the "Eric L." lawsuit might have been avoided, or at least reduced. Each state that has settled a similar suit by consent has accepted implementation of a similar system. We need to do it under our control and management, rather than at the direction of a court which is always much more expensive. The Committee is appropriating \$100,000 for acquisition of professional consultants to assist in performing the RFP definition and initial phases of planning. The Division should proceed to bid, let the bid and complete all other necessary aspects, subject to final appropriation in January 1993 time frame. This will insure that the appropriation is adequate to cover the system requirements including hardware, software, line costs, maintenance, personnel needs and training. Once quantified, the project dollars should be of top priority in the budget. Vote 13-0.

5591L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

requiring the division for children and youth services to study, develop, implement and administer an automated case management plan and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Study; Automated Case Management Plan. The division for children and youth services shall study a method of developing and develop a plan for implementation and administration of an automated case management plan which shall be in compliance with federal and state system development requirements, in order to address the needs of the state's children and youth. The division shall submit the plan to the joint legislative fiscal committee for approval. The committee shall seek the advice of the respective policy committees of the general court prior to granting its approval. The fiscal committee shall act on the plan within 30 days of submission by the division to the committee.

2 New Paragraph; Division for Children and Youth Services Duty Added. Amend RSA 170-G:4 by inserting after paragraph XVIII the following new paragraph:

XIX. Implement and administer an automated case management plan in compliance with federal and state system development requirements which addresses the needs of the state's children and youth.

3 Appropriation; Division for Children and Youth Services. For the purpose of carrying out the study and development of the plan required by section 1 of this act, the sum of \$100,000 is appropriated for the fiscal year ending June 30, 1993, to the division for children and youth services. This sum is in addition to any other sums appropriated to the division for fiscal year 1993. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Approval of Fiscal Committee Required. Section 2 of this act shall become effective 30 days following the approval of the plan by the joint legislative fiscal committee

as required under section 1 of this act. The committee shall certify to the secretary of state the date of such approval.

#### 5 Effective Date.

I. Section 2 of this act shall take effect as provided in section 4 of this act.

II. Sections 1, 3 and 4 of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill requires the division for children and youth services to study, develop, implement and administer an automated case management plan in compliance with federal and state systems development requirements. The plan must be approved by the fiscal committee.

An appropriation is made to the division for the purpose of studying and developing the plan.

Adopted.

Report adopted.

Referred to Appropriations.

**SB 321**, repealing an exemption for town clerks relative to voter registration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol H. Holden for Constitutional and Statutory Revision: Senate Bill 321 requires the town and city clerks to accept application from persons to have their names added to the checklist. The amendment requires a city or town to permit applications for change in party affiliation to be made with the city or town clerk. Vote 10-1.

5492L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to voter registration and changes in party  
affiliation with town clerks.

Amend the bill by replacing section 1 with the following:

1 Application Provisions to Apply in all Cities and Towns. Amend the introductory paragraph of RSA 654:8 to read as follows:

**The provisions of this section shall apply in all cities and in all towns.** Any person who has his domicile in any town or city in this state and whose name does not appear on the checklist of said town or city may apply to the town or city clerk, **or to the supervisors of the checklist as provided in RSA 654:11**, for the purpose of having his name added thereto by filling out the form provided for in RSA 654:7. The office of the town or city clerk shall [have the power] **be required** to accept applications from such persons under the following conditions:

Amend the bill by replacing section 4 with the following:

4 Repeal. RSA 654:34-b, relative to voting to permit applications for changes in party affiliations to be made with the city or the town clerk, is repealed.

5 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill amends the election laws by:

(1) Repealing the provision in the election laws which permits a town to vote to have the supervisors of the checklist, rather than the town clerk, accept applications from persons to have their names added to the checklist.

(2) Requiring town and city clerks to accept applications from such persons according to certain conditions.

(3) Repealing the provision in the election laws which requires a city or town to vote to permit applications for changes in party affiliation to be made with the city or town clerk.

Rep. Flanagan yielded to questions.

Adopted.

Report adopted.

Ordered to third reading.

**SB 391**, relative to the use of surplus campaign contributions by candidates for state office. **OUGHT TO PASS.**

Rep. Sharleene P. Hurst for Constitutional and Statutory Revision: This bill prohibits candidates from using any of their surplus campaign funds for personal purposes. Vote 10-1.

Adopted.

Ordered to third reading.

**SB 304-FN-A**, relative to business assistance and institutional arrangements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia A. Dowling for Economic Development: This bill allows the University of New Hampshire and Dartmouth College to pursue a research partnership which includes commercial, industrial, and bio-technical research and development. It further addresses the duties and reporting date of the New Hampshire Economic Development Commission. The Committee voted unanimously to refer the section of the bill which addresses the Inventors Assistance Act to Interim Study. The concept has much merit and deserves in-depth study. Vote 15-0.

5601L

### Amendment

Amend the bill by replacing sections 2 and 3 with the following:

2 Industrial Research. The industrial research center at the University of New Hampshire has entered into a research partnership with Dartmouth College which shall include, but not be limited to, bio-tech research and development.

3 Funding. Notwithstanding the procedures of RSA 12-A:2-e, section 2 of this act shall be funded from the New Hampshire economic development fund established in RSA 12-A:2-e.

Amend the bill by replacing all after section 3 with the following:

4 New Hampshire Economic Development Commission; Reporting Date Extended; Duties. Amend 1991, 337:5 to read as follows:

337:5 Duties and Responsibilities; Reports. The commission shall study and review all aspects of public policy affecting the long-term economic development of the state of New Hampshire. The commission shall prepare a long-term strategic plan for economic development which shall include recommendations for necessary legislative and regulatory action. **The commission shall also review and make recommendations relative to the advisability of designing new structures or statutes, or both, in the governmental and the private sector, including, but not limited to, nonprofit corporations, to guide the strategic economic development of New Hampshire. The commission shall submit an interim report of its findings and recommendations to the governor and general court no later than December 1, 1991. The long-term**



strategic plan shall be completed no later than [June 30, 1992] September 1, 1992, and submitted to the governor and general court at that time.

5 Name Change; Added Duty. Amend RSA 4-C:4 to read as follows:

4-C:4 [Administrator of Federal-State Financial Information] Coordinator of Federal Funds.

I. It is the intent of the general court that the position of [administrator of federal-state financial information] coordinator of federal funds be created in the office of state planning to inventory, coordinate and monitor the availability and use of federal funds in New Hampshire. The general court intends that the executive and legislative branches of state government shall be aware of all federal funds received and used in New Hampshire.

II. There is established in the office of state planning a position to be known as [federal-state financial information administrator] coordinator of federal funds. The duties of the [administrator] coordinator shall include, but not be limited to, the following:

(a) Seek out federal programs and funds which may be available to New Hampshire, notify the appropriate state department, municipality or other agency and coordinate the application process. The coordinator shall give priority to federal programs related to economic development and credit.

(b) Monitor the efforts of state departments, municipalities, and other agencies to apply for and secure federal funds.

(c) Advise state departments, municipalities, and other agencies within the state of the availability of federal surplus equipment. The coordinator is authorized to contract for services to procure federal surplus equipment on behalf of New Hampshire departments, municipalities and other agencies within the state.

[a)] (d) To maintain a data base, to which the general court shall have access, concerning all federal funds available to all state departments, municipalities, and other agencies within the state.

[b)] (e) To report on all such federal funds coming into the state of New Hampshire, whether to public or private agencies, to the director of the office of state planning who shall annually issue such report to the public.

6 New Subparagraph; Oversight Committee Member Added. Amend RSA 187-A:32, I by inserting after subparagraph (f) the following new subparagraph:

(g) The associate provost for academic affairs of Dartmouth College.

7 Exemption Added. Amend RSA 187-A:33 to read as follows:

187-A:33 Funding. Any center project utilizing state appropriations shall match state funds at least dollar for dollar with funds generated by the center from the net income of any of the following operations of the center: the center's research clients, profit and nonprofit organizations, the federal government, or local political subdivisions. In kind and equipment contributions may be accepted as matching funds under criteria established by the committee. **Technology information and transfer projects accessible to all interested New Hampshire businesses and industries are exempt from the requirements of this section.**

8 Exception Added. Amend 1991, 211:2, II to read as follows:

II. For the fiscal year ending June 30, 1993, and notwithstanding the provisions of RSA 12-A:2-e, \$500,000 shall be appropriated to the oversight committee established in RSA 187-A:32 from the New Hampshire economic development fund, established in RSA 12-A:2-e, which shall be matched dollar for dollar from the operations of the center, **except as provided in RSA 187-A:33.**

9 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

I. Section 1 of this bill is a general purpose statement.

II. Sections 2 and 3 of this bill authorize the industrial research center at the University of New Hampshire to enter into a research partnership with Dartmouth College, with a focus on bio-tech research and development. The partnership is funded from the New Hampshire economic development fund.

III. Section 4 of the bill extends the reporting date for the New Hampshire economic development commission's long-term strategic plan from June 30, 1992, to September 1, 1992. It requires the commission to include in its plan a recommendation on the advisability of establishing a nonprofit corporation to guide the economic development of New Hampshire.

IV. Section 5 of this bill changes the name of the administrator of federal-state financial information to the coordinator of federal funds. The coordinator is to actively seek out federal programs, funds an equipment which may be available to New Hampshire, notify the appropriate state department, municipality or agency and coordinate the application process. Under this bill, the coordinator is to place an emphasis on those federal programs related to economic development and credit.

V. Section 6 of this bill adds a member to the oversight committee at the industrial technology research and innovation center at the university system of New Hampshire Durham campus.

VI. Sections 7 and 8 of this bill exempt certain information and projects of the industrial technology research and innovation center from the funding requirement of RSA 187-A:33.

Adopted.

Report adopted.

Referred to Appropriations.

**SB 393**, relative to infrastructure development and making appropriations therefor.  
**OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert H. Porter for Economic Development: The bill was heard by two policy committees in addition to the Economic Development Committee. Commerce, Small Business and Consumer Affairs heard sections 5-14 relative to the Pease Development Authority, and Public Works heard sections 19-30 relative to the Port Authority.

Sec. 2-4: The Economic Development Committee concurred with this section establishing a committee to study the feasibility of a technical college in Haverhill.

Sec. 5-14: Commerce Committee accepted Sec. 6 with a re-write, Sec. 10 as is, and Sec. 14 as is. Section 7, relative to financial disclosure of Pease Development Authority members, Commerce reduced the requirements to include income sources over \$10,000 and certain debts over \$5,000. Section 8, relative to requests for proposals, Commerce amended the Senate language to place a floor of \$10,000 on the bid requirements, and require a 5 vote majority for exemption instead of a unanimous vote. Section 9, Commerce generally concurred, but eliminated some language in Sections (c) and (d), which it believed unnecessary. Sections 11-13, Commerce eliminated this part completely, which would create and fund a committee to recommend three candidates to the Pease Development Authority for the Chief Executive Officer

position. Sections 5-14: The Economic Development Committee concurred with the Commerce Committee on Sections 6, 8, and 10-13. Section 7: the majority of the Economic Development Committee felt that all provisions of this section should be dropped pending a uniform policy for the state entities relative to disclosure. Section 8: Economic Development Committee agreed with the less restrictive language proposed by the Commerce Committee. Section 9: Economic Development Committee concurred with Commerce here, except that it reinstated a sentence which specifies the rights of certain parties to appeal in land use issues. Section 11-14: Economic Development Committee concurs with Commerce in eliminating Section 11-13, and went further to eliminate Section 14. The majority felt that these sections removed authority from the Pease Development Authority which it should retain in order to function effectively as a board. NEW SECTION: Strafford County Representative on Pease Development Authority. The majority of both Commerce and Economic Development argued that the Strafford County representative on the Pease Development Authority should be appointed by and accountable to the legislative delegation from that county. It is hoped that this change will improve the structural balances between state, local, and regional interests on the board, with resulting improvement in public relations. Section 15-18: The Economic Development Committee concurred with the Senate in establishing a committee to study the feasibility of a research facility in conjunction with UNH at Pease. The majority decided to add three members to the six-member committee proposed by the Senate; one person from the UNH, one from Pease Development Authority, and one from the public, all three to be appointed by Governor and Council. Economic Development further chose to reduce the state's appropriation of \$25 million to \$1.75 million (\$25 million X .07), to conform with standard public works procedures and commence the development process. Section 19-30, relative to the Port Authority. The Public Works Committee, by a vote of 19-2, voted to eliminate all of these sections, and amend the bill to include only a \$1.5 million appropriation to go forward with planning and design, and establish a dedicated fund. This Committee had serious concerns about several of the sections, and felt that many of the problems would be addressed as the project proceeds through the capital budget process. Sections 19-30: The Economic Development Committee concurred with Public Works, except that it voted to include Section 22, (I and II only), which increases the amount of payments in lieu of taxes payable by the Port Authority to the City of Portsmouth. Vote 14-0.

5632L

### Amendment

#### 1 Statement of Purpose Regarding Infrastructure Development.

I. The general court finds that public policies are urgently required to restore the strength and sustain the growth of the economy in order to increase the prosperity and enhance the opportunities of the people of New Hampshire. The general court finds that such public policies must be pursued in a coherent, consistent and comprehensive manner both to meet the immediate challenges and to serve the future interests of the state and its people. The general court also finds that measures to further capital formation, regulatory reform, business assistance, infrastructure development and strategic planning are legitimate, necessary and timely priorities for legislative initiatives. Therefore, the general court has addressed these aspects of public policy in 4 acts which together represent a program to revive and sustain economic growth in New Hampshire.

II. The general court finds that improvement, expansion, and development of the physical infrastructure of the state and the municipalities is necessary to promote and sustain economic activity in its state and its regions. In particular, the general court finds that expansion of the port of New Hampshire and investment at Pease Air Force Base should be undertaken in a timely manner in order to accelerate development of these important facilities.

2 Committee Established. There is hereby established a committee to study the feasibility of establishing a technical college in Haverhill, New Hampshire. The committee shall consist of the following members:

- I. Two senators, appointed by the president of the senate.
- II. Two house members, appointed by the speaker of the house.
- III. The commissioner of postsecondary education, or his designee.
- IV. A selectman from Haverhill, chosen by the selectmen.
- V. A member of the public, appointed by the governor.

3 Meetings; Compensation. The committee shall choose a chairperson from among its members. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee. The first house appointed member shall call the first meeting prior to July 15, 1992.

4 Report. The committee shall make a report on the feasibility of locating a technical college in Haverhill, New Hampshire and submit its recommendations for improvements or changes to the governor, the speaker of the house, the president of the senate and the Haverhill selectmen, on or before November 1, 1992.

5 Statement of Purpose. The closure of Pease Air Force base has presented the seacoast and the state of New Hampshire with a significant opportunity. Successful development of the facility must consider the needs and concerns of the communities in which it is located while providing the vision needed to attract business and industry. Sections 6-13 of this act are intended to aid in the successful economic development of the Pease facility.

6 Approval of Municipality Required. Amend RSA 12-G:2, I(b) to read as follows:

(b)(1) Property conveyed, granted or otherwise transferred to the authority by the federal government or any agency thereof and declared or designated by the authority as the "airport district" in accordance with the procedures prescribed in RSA 12-G:10, II.

(2) Once the "airport district" is defined by the authority, the boundaries of the "airport district" may be expanded, provided, however, that such expanded property shall be taxable by the municipality in which it is located, subject to the provisions of RSA 12-G:11.

7 Requests for Proposal Required. Amend RSA 12-G:7, VIII to read as follows:

VIII. To make and execute agreements, contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic, **provided that no contract in excess of \$10,000, including contracts under paragraphs III and XV, shall be made without requests for proposal. This requirement may be eliminated by an affirmative vote of 5 members of the board on any particular matter. Justification for eliminating the requirement shall be recorded in the minutes of the meeting.**



8 Land Use Controls. RSA 12-G:10, V is repealed and reenacted to read as follows:

V. With the exception of the airport zone and that portion of the airport industrial zone acquired by the Pease development authority pursuant to Surplus Property Act of 1944, section 13-G, in the enforcement of land use controls, the following shall apply:

(a) The authority shall delegate enforcement of the land use controls to the appropriate land use boards of the town of Newington and the city of Portsmouth for property within each municipality, respectively.

(b) If the town of Newington or the city of Portsmouth, as appropriate, rejects the enforcement on the basis of Part I, Art. 28-a of the New Hampshire constitution, the authority may delegate such enforcement to the community which did not reject it or to another community. If the town of Newington and/or the city of Portsmouth elects to perform said enforcement, the building inspection services, zoning enforcement services, and planning services of Portsmouth and/or Newington shall be made available to the authority for all land within the authority's control. In addition, the building code boards of appeal, the zoning boards of adjustment and the planning boards of the respective municipalities shall process building code appeals, administrative appeals, special exception and variance requests, as well as subdivision, site plan review and conditional use applications. The only charge that may be made for such services shall be the standard application fees charged by the municipalities for local permits.

(c) In all instances, the authority shall retain the power to make the final decision regarding applicability, interpretation, and enforcement of its land use controls.

(d) Any action of the authority in the exercise of its powers under this section shall be subject to a motion for rehearing and appeal in accordance with the appropriate provisions of RSA 677. In addition to any other person deemed to be an aggrieved person, the city of Portsmouth and the town of Newington and any abutters shall have standing to appeal land use decisions made by the authority.

(e) Any property located at the former Pease Air Force Base which is sold, leased or otherwise conveyed by the United States government to any person other than the state of New Hampshire or one of its political subdivisions shall be in full compliance with all applicable municipal land use regulations, building codes, electrical codes, plumbing codes and related codes prior to being occupied for any use by any person.

9 New Section; Exclusion for Military Bases. Amend RSA 33 by inserting after section 6-b the following new section:

33:6-c Exclusion from Debt Limit. Any municipality which has voted to acquire land from a United States military base may incur debt by the issuance of bonds or notes beyond the limit of indebtedness as set forth in RSA 33:4, provided that the purpose of the acquisition is to further the economic development of the municipality. Such debt shall at no time be included in the net indebtedness of the municipality for the purpose of ascertaining its borrowing capacity.

10 Strafford County Representative. RSA 12-G:4, I(g) is repealed and reenacted to read as follows:

(g) One member appointed by majority vote of the legislative delegation of Strafford county, including the senators whose districts include towns in Strafford county. The member appointed in this manner shall be a resident of Strafford county and shall serve an initial term of 2 years beginning June 1, 1993. Subsequent terms

shall be governed by the provisions of this section. The member appointed in this manner may be removed from office for cause after hearing by the Strafford county legislative delegation.

**11 Committee Established; Meetings; Report.**

I. There is hereby established a committee to study the feasibility of establishing a research facility, in conjunction with the university system of New Hampshire, on the site of the former Pease Air Force Base. If established, such a facility shall be used for research in advanced science and technology. The committee shall study issues, including, but not limited to, private funding participation, location of the center, federal participation, and enhancement of research activities.

**II. The committee members shall be as follows:**

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

(c) Three members appointed by the governor and council, one of whom shall be from the university system, one from the Pease development authority and one public member.

III. The committee shall conduct its first meeting within 30 days after the effective date of this section. At the first meeting a chair shall be chosen from among the members of the committee.

IV. The committee shall submit a report, including recommendations for legislation, to the senate president, and the speaker of the house on or before November 1, 1992.

V. The members of the committee shall receive mileage at the legislative rate.

**12 Appropriation.** The sum of \$1,750,000 is hereby appropriated to the university of New Hampshire for the purpose of preliminary design and site planning for establishing a research facility on the site of Pease Air Force Base to be used for research in advanced science and technology.

**13 Bonds Authorized.** To provide funds for the appropriation made in section 12 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,750,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state. The bonds shall be 5-year bonds.

**14 Applicability.** The funds appropriated under section 12 of this act shall not be spent, obligated, or encumbered until the study committee established under section 11 of this act has submitted its report to the senate president and the speaker of the house, and such report has recommended the establishment of such a research facility, and until legislation establishing the research facility has been approved by the general court.

**15 Money Released for Final Design, Bid Documents and Wetland Mitigation.** Amend 1991, 351:5 to read as follows:

**351:5 Appropriation; Port Authority - Self Liquidating From Revenue.** The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Port of Portsmouth expansion \$16,500,000

Total state appropriation section 5 \$16,500,000

(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless: (1) the study committee established in 1991, 145, on the New Hampshire port authority submits its

report which concludes that the Port of Portsmouth expansion is economically feasible, such that projected revenues exceed projected expenditures; and (2) an action plan, which shall include construction documents, prepared by the New Hampshire port authority shall be approved by the capital budget oversight committee, the fiscal committee and the governor and council. The action plan shall include the identification of sufficient revenue sources to amortize both the annual principal and interest payments.) **\$1,500,000 of the amount appropriated herein is hereby released for the purpose of completion of final design, bid documents and wetland mitigation. Payment of principle and interest when due, shall be made from funds available to the authority.**

16 Payment in Lieu of Taxes; Gross Revenues of the Port. Amend RSA 271-A:17 to read as follows:

271-A:17 Payments in Lieu of Taxes.

I. The property of the authority is declared to be public property and shall be exempt from all taxes and special assessments of the state or any political subdivision thereof; provided that in lieu of such taxes the authority shall make payments to the city of Portsmouth in the amount of \$30,000 annually for the tax year commencing April 1, 1975, and each subsequent tax year for highway maintenance, fire protection or other services, **until April 1, 1994, when the amount shall be \$48,000. Thereafter, the latter amount shall be adjusted in accordance with the percentage change in the Consumer Price Index as of the close of the 12-month period ending August 31 of each tax year.**

II. Upon leasing or renting by the authority of any property to a non-governmental person for any non-governmental use, the authority shall be taxed by the municipality in which the property is located as though the leased premises were not owned by the authority. This provision shall not apply to property owned by the authority prior to July 1, 1991.

17 Deposits. Amend RSA 271-A by inserting after section 17 the following new section:

271-A:18 Deposits. All revenue from the authority's activities, from whatever source, shall be deposited in a separate nonlapsing account by the state treasurer.

18 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

I. Section 1 is a general purpose statement.

II. Sections 2-4 establish a committee to evaluate the feasibility of establishing a technical college in Haverhill, New Hampshire.

III. Sections 5-18:

(1) Require approval by the affected municipality before expansion or contraction of an airport district.

(2) Mandate that the board use requests for proposals for contracts in excess of \$10,000 unless 5 members of the board vote to waive this requirement.

(3) Authorize borrowing by a municipality for the acquisition of land from a former United States military base to be excluded from the municipality's debt limit.

(4) Excludes from a municipality's debt limit land acquired from a United States military base.

(5) Changes the manner in which the member of the board from Strafford county is chosen.

(6) Clarify local jurisdiction with respect to land use control issues.

(7) Make a contingent bonded appropriation to the university system of New Hampshire for such research facility.

(8) Release money appropriated for the expansion of the port of New Hampshire. Under current law, the release of such funds is subject to certain conditions.

Rep. Porter spoke in explanation and yielded to questions.

Rep. Syracuse yielded to questions.

Rep. Gene Chandler requested that the amendment be divided.

The Chair ruled that the amendment was divisible.

The question was on Sec. 16 of the amendment.

Reps. Gene Chandler and Bonnie Packard spoke against.

Rep. Syracuse spoke in favor.

Rep. Burling spoke in favor and yielded to questions.

On a division vote 115 members having voted in the affirmative and 223 in the negative, Sec. 16 failed.

Rep. Porter yielded to questions on the remainder of the amendment.

Roll call request not sufficiently seconded.

The remainder of the amendment was adopted.

Rep. Chambers offered a floor amendment, spoke in favor and withdrew her amendment.

Report adopted.

Referred to Appropriations.

**SB 450-FN**, relative to capital formation. OUGHT TO PASS WITH AMENDMENT.

Rep. Bonnie B. Packard for Economic Development: The purpose of the bill is to revive and sustain economic growth in New Hampshire. This is accomplished by expanding the authority and resources of the Industrial Development Authority (IDA) to be known henceforth as the Business Finance Authority (BFA).

The management of the authority is vested in a board of 14 directors, nine (9) appointed by Governor and Council, who shall hold office for three (3) years. The State treasurer, non-voting ex-officio and two (2) members of the House appointed by the Speaker, two (2) members of the Senate appointed by the President of the Senate, the latter four to serve as non-voting members and whose terms will end when the General Court dissolves each biennium. The bill introduces five (5) programs which advance the objectives set forth in the purpose statement.

1. Aid to local or regional development organizations.
2. Guarantees of loans to small business (as well as temporary loans to business).
3. Secondary market for loans made by local development organizations.
4. Capital Access Program.
5. Capital Asset Backed Guarantee Program.

RSA 162-A is repealed and re-enacted to provide for the Business Finance Authority but leaves intact the tax exempt portion to allow the authority to bundle or package tax exempt issues.

The Committee established under RSA 149:1 in 1991 has been extended through November 1, 1992 to allow for greater oversight as the Business Finance Authority moves into these new programs.

To provide a greater measure of accountability, the BFA is required to hire a consultant to assist in the development and implementation of programs as well as performance indicators and accountability standards.



Conflict of interest and a hearing process have been included in the House amendment. We have also reduced the Notice of Availability from 90 to 60 days.

The underlying principle is to minimize any risk to the State. This provides for our scarce resources to be used to leverage private capital and free up capital to business.

Guarantee of loans to small businesses is primarily designated to fill the gap not addressed by the SBA (Small Business Administration). Small business employs 80 percent of our citizens.

The Capital Asset Backed Guarantee Program is designed for larger companies with greater capital requirements and imposes "super collateral" of 150 percent of principal of any such loan.

The Committee on Executive Departments and Administration held a public hearing on Sections 31-32 of the original bill.

The Committee on Ways and Means held a public hearing on Sections 36-39 of the original bill. That committee recommends those sections be killed. While there is clearly a need for additional venture capital for New Hampshire businesses, the Committee doubts that the proposed deduction against the Business Profits Tax would be sufficient incentive for a company to contribute to a venture capital fund. Additionally, members were concerned about potential loss of state revenue through the "reasonable compensation loophole", as well as the lack of regulation of the qualified venture capital funds.

The Committee on Municipal and County Government held a public hearing on Sections 20-30 and Section 40 of the original bill. That committee's recommendations are included in the proposed amendment. Vote 14-0.

5642L

### **Amendment**

Amend the bill by replacing all after the enacting clause with the following:

#### **I Statement of Purpose Regarding Capital Formation.**

I. The general court finds that public policies are urgently required to restore the strength and sustain the growth of the economy in order to increase the prosperity and enhance the opportunities of the people of New Hampshire. The general court finds that such public policies must be pursued in a coherent, consistent and comprehensive manner both to meet the immediate challenges and to serve the future interests of the state and its people. The general court also finds that measures to further capital formation, regulatory reform, business assistance, infrastructure development and strategic planning are legitimate, necessary and timely priorities for legislative initiatives. Therefore, the general court has addressed these aspects of public policy in 4 acts which together represent a program to revive and sustain economic growth in New Hampshire.

II. The general court finds that a dearth of capital severely hinders investment required for the recovery and expansion of the economy. The general court also finds that the authority and credit of state and municipal government can be properly and prudently invoked to expand the supply of capital. Therefore, the general court expands the authority and resources of the industrial development authority to augment the capital for investment in commercial and industrial enterprise. The general court also expands the authority of municipal development agencies to engage in a wider range of activities as well as to strengthen the partnership between state and local government in pursuit of economic development. The general court also finds the want of venture capital for new enterprises especially marked. The general court

recognizes that tax incentives represent appropriate, legitimate, and effective means of marshaling and directing private capital to the establishment and development of new enterprise. Therefore, the general court grants incentives to private entities to contribute to a venture capital fund to invest and reinvested in enterprises operating in New Hampshire.

2 Purpose. The general court finds that the powers of the industrial development authority, to be known henceforth as the business finance authority, should be expanded and modified so that it can effectively serve the capital needs of business in coordination with federal programs and in a manner consistent with the goals and objectives of state government and its political subdivisions. It is hereby declared that the governor and council, the state treasurer, and business finance authority shall be performing a governmental function, advancing a public purpose, and conferring a public benefit in carrying out the provisions of sections 3 - 16 of this act.

3 Business Finance Authority. RSA 162-A is repealed and reenacted to read as follows:

#### CHAPTER 162-A BUSINESS FINANCE AUTHORITY

162-A:1 Declaration of Need and Purpose. It is declared that there is a statewide need for the preservation and development of business and industry for the betterment of the economy of the state and its inhabitants. It is the purpose of this chapter to provide for the preservation, establishment, and redevelopment of business and industry, together with adequate transportation, water, sewage and other necessary facilities, so as to provide and encourage orderly development, create or preserve employment opportunities, protect the physical environment, preserve or increase the social welfare or economic prosperity of the state or its political subdivisions, and promote the general welfare of the state's citizens. It is further declared that the business finance authority, created in this chapter shall be regarded as performing an essential governmental function in carrying out the provisions of this chapter.

162-A:2 Definitions. In this chapter:

I. "Authority" means the business finance authority, formerly known as the industrial development authority and the industrial park authority.

II. "Board" means the board of directors of the authority.

III. "Bond" means any bond, note or other evidence of indebtedness issued by the authority under this chapter.

IV. "Borrower" means any business that receives a loan, a loan guarantee, or other assistance pursuant to this chapter.

V. "Business" means the carrying on of any business activity, whether as a corporation, partnership, limited partnership, sole proprietorship or otherwise, including all activities that are industrial, commercial, or recreational.

VI. "CAP" means the capital access program established by RSA 162-A:12.

VII. "CAP fund" means a fund established by the authority pursuant to RSA 162-A:12, which fund shall consist of contribution from the authority, the participating state bank, and borrowers whose loans are to be secured by the fund.

VIII. "CAP loan" means a loan that is made to a business by a participating state bank and is entitled to be secured by a CAP fund.

IX. "CAP participation agreement" means an agreement between the authority and a participating state bank setting out the terms and conditions under which the

authority will make contributions to a CAP fund established for the benefit of that participating state bank and specifying the criteria for a loan to qualify as a CAP loan.

X. "Financial institution" means any bank, trust company, or other organization that is in the business of making loans to businesses, provided that such bank, trust company or other organization is duly organized under the laws of the United States or any state, and provided further that with respect to any organization that is not a bank or trust company, it is qualified to do business in New Hampshire.

XI. "Loan" means any arrangement involving an advance of money to a borrower in exchange for the borrower's promise to repay such money, with or without interest, including a sale and leaseback, a financing lease or a condition sale.

XII. "Local development organization" means any local or regional development agency, authority, corporation, association, foundation or other entity, regardless of the name or manner of organization, provided it shall have as a principal function the promotion, encouragement, or development of business.

XIII. "Participating state bank" means any state bank participating in the capital access program established by RSA 162-A:12.

XIV. "Project" means all property, rights, easements, licenses, patents, rights of way, and franchises deemed necessary or convenient for the carrying out of a business activity, and shall embrace all means of accomplishing the purposes of this chapter.

XV. "Project costs" means any costs or expenses reasonably incidental to a project and may, without limitation, include the costs of:

- (a) Issuing bonds or notes to finance a project.
- (b) Acquiring land, buildings, structures and facilities, whether by lease, purchase, construction, or otherwise.
- (c) Acquiring rights in or over land, air, or water.
- (d) Improving land and improving buildings, structures and facilities by remodeling, reconstruction, replacement, or enlargement.
- (e) Acquiring and installing machinery and equipment.
- (f) Obtaining professional or advisory services.
- (g) Interest prior to and during construction and until one year after the completion of a project.
- (h) Creating or making contributions to reserves for loans, loan guarantees and projects.

XVI. "State bank" means any bank or trust company organized under the laws of the United States, any state, or any foreign country that is authorized by law to make loans and accept deposits in New Hampshire.

162-A:3 Authority Created. There is hereby created the business finance authority which shall be a body corporate and politic as an agency of the state having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by the legislature.

162-A:4 Management.

I. The management of the authority shall be vested in a board of 14 directors, who shall serve without compensation. The governor, with the consent of the council, shall appoint 9 members of the board, who shall include an executive director of a regional planning commission and one elected or appointed local official. The governor shall designate one of the board members as chairman. Each board member appointed by the governor shall hold office for 3 years, or until his successor has been appointed. The state treasurer, shall serve as a nonvoting ex officio member of the board. In addition, 2 members of the house of representatives, who shall be appointed

by the speaker of the house of representatives, and 2 members of the senate, who shall be appointed by the president of the senate, shall serve as nonvoting members of the board. A director serving as a member of the house of representatives or as a member of the senate shall serve for a term ending when the general court dissolves.

II. A director, officer, or employee of the authority shall not use his office for personal gain or act in a manner contrary to the public interest. A director shall abstain from voting on matters in which he has a financial interest, whether personally or through a spouse or dependent. If in doubt, the director may submit a written request for advice to the chairman, who shall make a ruling as to whether the director may vote on a matter.

162-A:5 Vacancy, Removal, or Suspension.

I. If a vacancy shall occur by death, resignation, or otherwise of a director appointed by the governor, then the governor, with the advice and consent of the council, shall fill the same for the unexpired term. The governor and council may at any time remove a director appointed by the governor for inefficiency, neglect of duty, or malfeasance in office, but no such director shall be removed without a hearing, after notice in writing of the charges against him. A director who is appointed to the board as a member of the house of representatives shall serve at the pleasure of the speaker of the house of representatives. A director who is appointed to the board as a member of the senate shall serve at the pleasure of the president of the senate.

II. If a director is appointed to the board as an executive director of a regional planning commission or as an elected or appointed local official and the director ceases to hold such office, he shall continue as a director for the remainder of his unexpired term and shall be treated for purposes of RSA 162-A:4 as if he continued to hold such office. If a director is appointed to the board as a member of the house of representatives or as a member of the senate and the director ceases to be a member of the house of representatives or the senate, he shall also cease to be a director.

162-A:6 Incorporation; Powers. The authority shall be a corporation in the state of New Hampshire and shall have powers to:

I. Sue and be sued.

II. Have a seal and alter the same at pleasure.

III. Adopt and amend bylaws.

IV. Adopt rules, under RSA 541-A, relative to:

(a) A description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests.

(b) Procedures of the authority in carrying out its programs under this chapter or of the authority in issuing bonds pursuant to RSA 162-I.

(c) Procedures for the establishment of fees and charges.

V. Develop, construct, and reconstruct business facilities.

VI. Acquire, hold, lease, and dispose of real and personal property for its purposes.

VII. Acquire in the name of the authority by gift, purchase, lease or otherwise, real property and rights or easements therein, deemed by it necessary or desirable for its purposes.

VIII. Acquire, in the name of the authority, security by way of mortgage deed or otherwise any property, title to which may be in any corporation, partnership, limited partnership, individual or group of individuals, or other entity other than the authority and upon which projects may be developed or constructed as provided in this



chapter. Such security may be acquired by the authority solely in its own name, with community development organizations, with other governmental entities, or with a non-governmental entity, whether operated for profit or as a charity. If the security is acquired with any other entity, then the authority shall act in conformance to RSA 387.

IX. Sell or lease any property it may own.

X. Make contracts with the United States or any agency thereof, the state of New Hampshire or any agency thereof, towns or cities, public corporations or bodies, private corporations, individuals or other entities.

XI. Accept grants that will assist in the carrying out of its purposes under this chapter and to do any and all things necessary or convenient in order to avail itself of such aid.

XII. Employ or retain as independent contractors such assistants, agents, consultants, accountants, or attorneys as it shall deem necessary or desirable for its purposes, notwithstanding any other provision of law.

XIII. Borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the authority and to secure the payment of such obligations or any part thereof by pledge of all or any part of, the revenue or assets of the authority.

XIV. Develop or assist in the development of real property owned by any local development corporation or foundation which has as its primary purpose the encouragement and development of business or industry.

XV. Develop performance indicators to measure the effectiveness of authority programs.

XVI. Make or acquire loans or advances, with or without interest, and whether or not secured by a mortgage, to businesses operating within the state.

XVII. Invest or deposit for its own account moneys it may receive or hold under this chapter or RSA 162-I. Such investment may include the guaranteed portion of loans guaranteed by the state under this chapter or RSA 162-I.

XVIII. Establish and contribute to CAP funds.

XIX. Maintain offices at such place within the state as it may designate.

XX. Renegotiate, refinance or foreclose, or contract for the foreclosure of, any mortgage or loan in default; waive any default or consent to the modification of the terms of any mortgage or loan; commence any action to protect or enforce any right conferred upon it by any law, mortgage, loan, contract or other agreement, and bid for and purchase property at any foreclosure or at any other sale, or acquire or take possession of any such property; temporarily operate or manage, lease, dispose of, or otherwise deal with property, in such manner as may be necessary or desirable to protect the interests of the state, the authority and the holders of the authority's bonds; all subject to any agreements with the state or with bondholders.

XXI. Institute any action or proceeding against the maker, payor or other party, hereafter referred to as the obligor, who is liable for the payment of any obligation, mortgage or loan held or made by the authority under the provisions of this chapter in any court of competent jurisdiction in order to enforce the provisions of this chapter, or to foreclose mortgages or loans, or to protect the public interest.

XXII. Procure insurance against any loss in connection with its property and other assets, in such amounts and from such insurer as it deems advisable.

XXIII. Take such other action as may be necessary or convenient to carry out its purposes and exercise its powers under this chapter.

#### 162-A:7 Aid to Local or Regional Development Organizations.

I. The authority may expend money upon such terms and conditions as prescribed by the authority to acquire, develop, redevelop, construct, renovate, or expand real property for business use. Any such real property shall be owned either by the authority or by a local development organization. No expenditure shall be made by the authority under this section unless it is with the approval of, or in cooperation with, a local development organization.

II. Prior to the expenditure of any money under this section for property to be owned by a local development organization, the authority shall enter into one or more agreements with such organization to provide for the conditions on which the expenditures will be made, the terms of repayment of such expenditure, the time and manner of such repayment, conditions under which the property is to be used by or leased to one or more businesses, the form and amount of security if any, to be pledged to the authority for such repayment, and such other provisions as the authority may determine are necessary or desirable. Repayment of any expenditure made by the authority may be with or without interest and may take the form of cash, property or services.

III. Any property acquired, developed, redeveloped, constructed, renovated, or expended under this section may be leased by the authority or the local development organization, as appropriate, for business use, and under such terms and conditions as they shall deem appropriate. Any such lease may include options of the lessee to purchase the property, provided that the purchase price upon the exercise of any such option shall not be less than the amount necessary to reimburse the authority, with interest if applicable, for any unpaid balance of expenditures made by the authority for such property. Any lease shall obligate the lessee to pay all costs and expenses of upkeep, maintenance and operation of the property during the lease term.

IV. The authority shall not expend any money or make a binding commitment to spend any money for a particular project under this section unless after a hearing the governor and council have made the findings specified in RSA 162-A:18.

#### 162-A:8 Guarantee of Loans to Small Businesses.

I. Upon recommendation of the authority for the proper implementation of the declared purposes of this chapter, the governor and council may award a state guarantee of the principal of and interest on any loan made by a private financial institution to any business that is or will be operating in the state, provided that the loan is also guaranteed in part under a program administered by the United States Small Business Administration. Such state guarantee shall be up to 90 percent of the portion of the loan not guaranteed through the United States Small Business Administration. The full faith and credit of the state shall be pledged for any such guarantee, but the total outstanding amount guaranteed by the state under this section and RSA 162-A:10, III shall not exceed in the aggregate at any time \$20,000,000 plus interest and shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded.

II. The state's guarantee of a loan under this section shall be evidenced by a guarantee agreement entered into by the state, the lending financial institution, and the borrower. Such guarantee agreement shall contain such terms and conditions as the authority and the governor and council may impose, including, without limitation, restrictions on the use of loan proceeds, restrictions on the use and operation of any project financed or assisted by the loan, appropriate controls on the requisition of loan proceeds by the borrower, provisions for the state to demand acceleration of the payment of the loan in the event of a default by the borrower, provisions for payment to the authority of guarantee fees and reimbursement of costs and expenses, provisions

for reimbursement of the state if the state is required to honor the guarantee, appropriate financial covenants, and provisions for the establishment of reserves. In addition, as a condition of awarding any guarantee, the state shall be subrogated to all of the rights and security of the lending financial institution to the extent it honors the guarantee. Any guarantee agreement authorized in accordance with this section shall be executed on behalf of the state by the chairman, vice chairman, or executive director of the authority. The governor, with the advice and consent of the council, is authorized to draw his warrant for such sum as may be necessary out of money in the state treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section.

III. Any loan guaranteed under this section shall meet the following minimum requirements:

(a) The weighted average maturity of the loan shall not exceed the reasonably expected average useful life of the property financed by that loan, and for this purpose working capital shall be treated as having a useful life of not more than 7 years.

(b) The total principal amount of any loan or loans guaranteed under this section made to one borrower shall not exceed \$1,500,000.

(c) The total principal amount of any loan or loans guaranteed under this section made to one borrower to finance working capital shall not exceed \$500,000.

IV. The amount of any guarantee awarded under this section shall be reduced in proportion to any reduction in the principal balance of the loan.

V. The governor and council shall not award any state guarantee under this section unless after a hearing they have made the findings specified in RSA 162-A:18.

#### 162-A:9 Temporary Loans to Business.

I. The authority may lend money to businesses for any project. Any such loan shall be on such terms and conditions as prescribed by the authority and shall be evidenced by a promissory note given by the business to the authority. In addition, prior to making any loan, the authority and the business shall enter into a loan agreement specifying the terms and conditions of the loan. Any loan agreement shall specify the terms of repayment of the loan, provide for the payment of an appropriate interest rate, and obligate the business to pay all the costs and expenses of upkeep, maintenance, and operation of the project being financed. A loan agreement may also provide such terms and conditions as the authority shall deem necessary or desirable, including, without limitation, provisions requiring that collateral be pledged to secure the loan, restrictions on the use of loan proceeds, restrictions on the use and operation of any project financed or assisted by the loan, controls on the requisition of loan proceeds, appropriate events of default, provisions for payment to the authority of origination fees, late charges and additional interest on overdue payments of principal, interest or other charges, appropriate financial covenants, and provisions for the establishment of reserves for the project or the loan.

II. Any loan made under this section shall meet the following minimum requirements:

(a) The total principal amount of any loan or loans made to one borrower under this section shall not exceed \$2,000,000.

(b) The total principal amount of any loan or loans made to one borrower to finance working capital shall not exceed \$500,000.

(c) The final maturity date of any loan or loans, including renewals, shall not be later than the later of 3 years from the date the loan is made or one year after the project was placed in service.



III. The authority shall not make any loan or enter into any loan agreement under this section unless after a hearing the governor and council have made the findings specified in RSA 162-A:18.

162-A:10 Secondary Market for Loans Made by Local Development Organizations.

I. The authority may acquire for its own account, or for resale, loans made by local development organizations to businesses operating within the state. The authority shall acquire such loans only if the local development organization agrees to use the proceeds of the sale of such loans for the promotion, encouragement, or development of business within the state, or a region or community of the state.

II. Prior to the acquisition of any loans from a local development organization, the authority shall enter into a loan purchase agreement with the such organization. Such loan purchase agreement shall specify terms and conditions under which the authority will purchase loans, the purchase price for such loans, and the terms and conditions for use of the purchase price by the local development organization. The loan purchase agreement may also contain such provisions as the authority may deem necessary or desirable, including, without limitation, representations, warranties, and covenants of the local development authority regarding the loans, conditions under which the local development authority may be required to repurchase the loans, provisions for the payment of guarantee fees to the authority in the event the loans are guaranteed under RSA 162-A:10, III, provisions for payment of the authority's costs and expenses, and provisions for the local development authority to continue servicing the loans on behalf of the authority or any subsequent purchaser.

III. In order to facilitate the resale of loans acquired under this section the governor and council, at the request of the authority, may award a state guarantee of up to 90 percent of the principal of and interest on such loans. The full faith and credit of the state shall be pledged for such guarantee, but the total amount guaranteed by the state under this section shall be subject to the limit specified in RSA 162-A:8, I and shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded. The state's guarantee of loans under this section shall be evidenced by a guarantee agreement between the state and the purchaser of the loans. Such guarantee agreement shall be assignable to any subsequent purchaser or purchasers of the loans and shall contain such provisions as the authority and the governor and council may deem appropriate. Any guarantee agreement authorized in accordance with this section shall be executed on behalf of the state by the chairman, vice chairman, or executive director of the authority. The governor, with the advice and consent of the council, is authorized to draw his warrant for such sum as may be necessary out of money in the state treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The amount of any guarantee awarded under this section shall be reduced in proportion to any reduction in the principal balance of the loan.

IV. The authority shall not purchase any loans under RSA 162-A:10, I or enter into a loan purchase agreement under RSA 162-A:10, II unless after a hearing the governor and council have made the findings specified in RSA 162-A:18.

V. The governor and council shall not award any state guarantee under RSA 162-A:10, III unless after a hearing they have made findings specified in RSA 162-A:18.

162-A:11 Guarantee Fund Established. In order to provide additional security to the state for any loan guarantees made under RSA 162-A:8, RSA 162-A:10, or RSA 162-A:13, there is hereby established a loan guarantee reserve fund, which shall be held by the authority apart from all of its other funds, and which shall be deemed



irrevocably pledged to secure all loans guaranteed under RSA 162-A:8, RSA 162-A:10, III, or RSA 162-A:13. Whenever a loan guarantee is awarded under RSA 162-A:8, RSA 162-A:10, III, or RSA 162-A the authority, the borrower, the lending financial institution, the local development organization, the purchaser of the loans, or any appropriate combination of them shall deposit in such fund an amount equal to not less than 10 percent guaranteed portion of the principal of the loan or loans. If a state guarantee is called upon to be honored, the authority, upon direction of its treasurer or assistant treasurer, shall draw upon such fund for the purpose of honoring such guarantee, and only when amounts in the fund are exhausted shall the governor be called upon to draw his warrant pursuant to RSA 162-A:8, II, RSA 162-A:10, III, or RSA 162-A:13, II. Interest earned on amounts invested in the fund shall be accumulated therein or paid to the authority upon its direction. If earnings are paid to the authority, they may be used by the authority for any of its purposes. If at any time the amount in the fund exceeds 10 percent of the guaranteed portion of the principal of all loans guaranteed under this section, or such higher amount as may be determined by the authority, the authority may withdraw the excess. Any loan guaranteed under this chapter shall be a permitted investment in this fund. The authority may enter into such trust agreements, depository agreements, or other arrangements with one or more state banks in order to carry out the purposes of this section.

V. The governor and council shall not award any state guarantee under this section unless after a hearing they have made the findings specified in RSA 162-A:18.

#### 162-A:12 Capital Access Program.

I. The authority may contribute money to funds, to be known as "CAP funds," that shall be held for the benefit of participating state banks. Each such fund shall be held by the authority separate and apart from all other funds of the authority and shall be held exclusively to secure principal of and interest on CAP loans made by a participating state bank.

II. The amount of the authority's contribution to a CAP fund shall not exceed 10 percent of the principal amount of the CAP loans to be secured by the CAP fund. As a condition of the authority making a contribution to a CAP fund, the authority may require the borrower or the participating state bank to make a contribution to the CAP fund and may impose such other conditions or requirements as the authority may deem necessary or desirable. All moneys contributed to a CAP fund shall be held in the name of the authority. Investment earnings on the CAP fund shall be credited to the fund, and such earnings shall be periodically paid to the authority unless the CAP participation agreement otherwise provides.

III. Prior to establishing a CAP fund at a participating state bank, the authority shall enter into a CAP participation agreement with the participating state bank. The CAP participation agreement shall specify:

- (a) The maximum amount of the authority's contributions to the CAP fund.
- (b) The conditions under which the authority will make contributions to the CAP fund.
- (c) The conditions under which the participating state bank may demand payment from a CAP fund to pay a defaulted CAP loan.
- (d) Minimum due diligence procedures for servicing CAP loans.
- (e) Conditions under which the participating state bank or a borrower will be required to contribute to the CAP fund.
- (f) Provision for the payment of authority fees, costs, and expenses from earnings on the CAP fund or otherwise.

(g) Provisions for the termination of the CAP fund, in whole or in part, and disbursement of any excesses in the CAP fund.

(h) Criteria and procedures for qualifying a loan as a CAP loan.

(i) Requirements that the participating state bank report to the authority not less often than annually regarding outstanding balances on CAP loans, delinquent CAP loans and such other information as the authority may deem appropriate.

(j) Permitted investments in the CAP fund.

(k) Other terms and conditions as the authority may deem necessary or desirable.

IV.(a) At a minimum, CAP loans shall meet the following requirements:

(1) The borrower is either a start-up business or did not have annual sales in its most recently completed fiscal year of greater than \$5,000,000.

(2) The total outstanding principal amount of CAP loans to the borrower does not exceed \$500,000.

(3) The proceeds of the CAP loan shall be used for business purposes.

(b) The authority may from time to time impose requirements on CAP loans in addition to those contained in subparagraph (a) or in a CAP participation agreement by written notice to participating state banks, but such additional requirements shall not apply to CAP loans already made, or to CAP loans for which written commitments exist, provided CAP loans from these written commitments are made within 3 months of the date of the written notice. Such notices shall not constitute rules within the meaning of RSA 541-A.

V. The authority shall not initially fund any CAP fund or enter into a CAP participation agreement or any material amendment to a CAP participation agreement, unless after a hearing the governor and council have made the findings specified in RSA 162-A:18.

162-A:13 Capital Asset Backed Guarantee Program.

I. Upon recommendation of the authority for the proper implementation of the declared purposes of this chapter, the governor and council may award a state guarantee of the principal of and interest on any loan made to a business that is or will be operating in the state, provided that the loan does not qualify for a state guarantee under RSA 162-A:8. Such state guarantee shall not at any time exceed 90 percent of the principal of the loan plus interest thereon. The full faith and credit of the state shall be pledged for any such guarantee, but the total outstanding amount guaranteed by the state under this section shall not exceed in the aggregate at any time \$20,000,000 plus interest and shall not cause the contingent credit limit of RSA 162-A:22 to be exceeded.

II. The state's guarantee of a loan under this section shall be evidenced by a guarantee agreement entered into by the state, the lender and the borrower. Such guarantee agreement shall contain such terms and conditions as the authority and the governor and council may impose, including, without limitation, restrictions on the use of loan proceeds, restrictions on the use and operation of any project financed or assisted by the loan, appropriate controls on the requisition of loan proceeds by the borrower, provisions for the state to demand acceleration of the payment of the loan in the event of a default by the borrower, provisions for payment to the authority of guarantee fees and reimbursement of costs and expenses, provisions for reimbursement of the state if the state is required to honor the guarantee, appropriate financial covenants, and provisions for the establishment of reserves. In addition, as a condition of awarding any guarantee, the state shall be subrogated to all of the rights and

security of the lender to the extent it honors the guarantee. Any guarantee agreement authorized in accordance with this section shall be executed on behalf of the state by the chairman, vice chairman, or executive director of the authority. The governor, with the advice and consent of the council, is authorized to draw his warrant for such sum as may be necessary out of money in the state treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section.

III. Any loan guaranteed under this section shall meet the following minimum requirements.

(a) The appraised fair market value of the collateral securing the loan shall not be less than 150 percent of the total principal amount of such loan.

(b) The maximum principal amount of the loan that may be used to finance working capital shall not exceed 20 percent of the total principal amount of such loan.

(c) The final maturity date of the loan shall not be later than the later of 5 years from the date the loan was made or 5 years from the date the project was placed in service, provided that each loan may be renewed or refinanced for up to 2 additional 5-year periods.

(d) After the project has been placed in service, the principal balance of the loan shall be scheduled to be reduced annually by an amount equal to not less than 6 percent of the original principal amount of the loan, provided that in connection with any renewal of a loan such principal reduction shall not be required.

(e) Nine months before the maturity date of any loan the borrower shall be required to give written notice to the authority of whether or not it intends to seek a renewal of the loan.

IV. The amount of any guarantee awarded under this section shall be reduced in proportion to any reduction in the principal balance of the loan.

V. The governor and council shall not award or renew any state guarantee under this section unless after a hearing they have made the findings specified in RSA 162-A:18.

162-A:14 Agreements Commercially Reasonable. Any agreements entered into by the state or the authority under this chapter shall be deemed to be on commercially reasonable terms.

162-A:15 Issuance of Bonds.

I. The authority may issue bonds pursuant to this section which shall be obligations of the authority and not general obligations of the state, except as provided in RSA 162-A:17. Such bonds may be issued from time to time consistent with the purposes and provisions of this chapter to make expenditures in aid of local development organizations under RSA 162-A:7, to make temporary loans to businesses under RSA 162-A:9, to acquire loans under RSA 162-A:10, to fund the guarantee fund established under RSA 162-A:11, to make contributions to CAP funds under RSA 162-A:12, to pay or refund any bonds issued pursuant to this section or interest thereon, or to pay the costs and expenses of the authority. The principal of, and premium, if any, and interest on all bonds shall be payable solely by the authority in accordance with the provisions of this chapter. The bonds shall be issued by the authority in such amounts as the board shall determine, not exceeding in the aggregate at any time \$25,000,000. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the authority, and shall mature at such time or times as may be determined by the authority, except that no bonds shall mature more than 30 years from their date of issue. Bonds may be



made redeemable before maturity either at the option of the authority or at the option of the holder, or upon the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form and details of the bond. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest as the authority may determine.

II. Every bond shall be signed on behalf of the authority by 2 persons designated by the authority. One person shall be a member of the board who is also the chairman of the board, or the vice chairman of the board, or the treasurer of the authority, or an assistant treasurer of the authority. The other person shall be any member of the board or the executive director of the authority. The signatures may be manual or facsimile but at least one signature on every bond shall be manual, unless the bond bears a manual authentication or certification by a bank, trust company or other financial institution, in which case both signatures on behalf of the authority may be facsimile. Interest coupons, if any, shall bear the facsimile signature of one of the persons signing the bond on behalf of the authority. Bonds shall also bear the seal of the authority or a facsimile of the seal. Bonds executed as provided in this paragraph shall be valid notwithstanding that any or all of the persons whose signatures appear on the bond shall have ceased to hold office before delivery of and payment for the bond.

III. Any bonds issued under this chapter may be issued pursuant to and entitled to the benefits of a security document between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state, or by a security document directly between the authority and the purchasers of the bonds. Such security document shall be in such form and executed in such manner as may be determined by the board. Such security document may include the mortgage, pledge, or grant of a security interest in any property of the authority and may pledge or assign, in whole or in part, the revenues held or to be received by the authority, any contract or other rights to receive the revenues, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the authority, and any proceeds thereof. Such security documents may contain provisions for protecting and enforcing the rights, security, and remedies of the bondholders as may, in the discretion of the board, be reasonable and proper and not in violation of law. Such security documents may include provisions defining defaults and providing for remedies in the event of defaults, which may include the acceleration of maturities and the enforcement of any mortgage, pledge or security interest, and covenants setting forth the duties of, and limitations on, the authority in relation to the custody, safeguarding, investment, and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of fees and other revenues, the use of bond proceeds, the establishment of reserves, the acquisition of any property or interest therein or undertaking of any project, any contracts relating thereto and subsequent amendments of such provisions and contracts. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues, or other moneys under a security document and to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or credit facilities as may be required by the authority acting under the paragraph. Any such security document may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.



IV. Any bonds issued under authority of this chapter may be issued pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements with the purchasers or makers thereof, as the board may determine to be in the best interests of the authority. In addition to other security provided herein or otherwise by law, bonds issued by the authority under this section may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the authority by any bank, trust company or other financial institution, within or without the state, and the authority may make any pledge, mortgage, assignment or security interest in respect of its property and revenues as security for the reimbursement by the authority to the issuers of such letters or lines of credit, insurance or credit facilities, or any payments made thereunder.

V. Any mortgage, pledge or security interest made by the authority under this chapter shall be valid and binding and shall be deemed continuously perfected for the purposes of RSA 382-A and all other laws from the time when the mortgage, pledge, or security interest is made. The property or revenues so mortgaged, pledged, or subjected to a security interest then held or thereafter acquired or received by the authority shall immediately be subject to the lien of such mortgage, pledge, or security interest without any physical delivery or segregation thereof or further act. The lien of such mortgage, pledge, or security interest shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof. No such property or revenues may be used in a manner inconsistent with the terms governing such mortgage, pledge, or security interest. Any agreement by which a pledge or security interest in personal property is created under this chapter shall be filed or recorded in the records of the secretary of state. Any mortgage or other agreement by which a security interest in real property is created under this chapter shall be filed with the register of deeds for the county in which such property is located.

VI. Any owner of a bond issued under the provisions of this section and any trustee under a security document securing the same, except to the extent the rights given in this paragraph may be restricted by such security document, may bring suit upon the bonds and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, protect and enforce any and all rights under the laws of the state granted hereunder or under such security document, and may enforce and compel performance of all duties required by this chapter or by such security document to be performed by the authority or by any director or officer of the authority.

VII. The authority may issue refunding bonds for the purpose of paying any bonds issued under the provisions of this section at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the bonds being refunded as the board may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other expenses from the proceeds of such refunding bonds as may be required by a security document securing the bonds. The authorization and issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and, obligations of the

authority in respect to the same shall be governed by the provisions of this chapter relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

VIII. Any debt service fund or debt service reserve fund established in connection with the issuance of bonds under this chapter shall be kept separate from other moneys of the authority. All proceeds of any bonds issued under this chapter, together with the income derived therefrom, shall be expended without further authorization or appropriation as provided for in the security document with respect to such bonds.

IX. Moneys in any fund or account created under the provisions of this section, subject to the terms and provisions of any security document applicable thereto, may be invested. Except as otherwise provided by any such security document, obligations so purchased as an investment of money in said fund or account shall be deemed at all times to be part of said fund or account, and the interest thereon and any profit arising from the sale thereof shall be credited to said fund or account, and any loss resulting on their sale shall be charged to said fund or account, respectively.

X. The state does hereby pledge to and agree with the holders of bonds issued under this chapter that the state shall not limit or alter the rights hereby vested in the authority to fulfill the terms of any agreements made with the holders of such bonds or in any way impair the rights and remedies of such holders until such bonds, together with the interest on them, with the interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds.

XI. Bonds issued under this section and their transfer and income, including any profit made on their sale or transfer, shall at all times be exempt from all taxation by or within the state.

XII. Notwithstanding any of the provisions of this chapter or any recitals in any bonds issued under this section, all such bonds shall be deemed to be investment securities under RSA 382-A.

162-A:16 Eligible Investments. Bonds issued under the provisions of this chapter are hereby made securities in which all public officers, agencies and authorities of the state and of its political subdivisions, insurance companies, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency, authority or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state or any political subdivision is now or may hereafter be authorized by law.

162-A:17 State Bond Guarantee.

I. In view of the general public benefits expected to be derived from the authority's activities under this chapter, and their contribution to the social welfare and economic prosperity of the state and its political subdivisions, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this chapter. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total outstanding amount of bonds guaranteed by the state under this section shall not exceed in the aggregate at any time \$25,000,000 plus interest. In addition, the state shall not award a guarantee under this section if it would cause the contingent credit limit under RSA 167-A:22 to

be exceeded. The governor, with the advice and consent of the council, is authorized to draw his warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond, and for the performance of such guarantee the full faith and credit of the state are pledged.

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State Treasurer

II. No state guarantee shall be awarded under this section unless the guaranteed bonds are secured by, among other things, any and all fees to be received by the authority in connection with bonds issued under RSA 162-I in an original principal amount equal to or greater than \$1,500,000. In connection with the award of a state guarantee, the governor and council may impose such other terms and conditions as they may deem appropriate concerning the bonds, the use of any property or revenues of the authority, and reimbursement to the state if any state funds are used to honor the guarantee. Such terms and conditions may be contained in an agreement between the state and the authority, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the authority by its chairman, vice chairman, or executive director.

III. Before awarding any state guarantee of bonds under this section the governor and council, after a hearing, shall have made the following findings:

(a) The award of the state guarantee will contribute significantly to the success of the bond issue and the authority's programs under this chapter.

(b) Reasonable and appropriate measures have been taken to minimize the risk of loss to the state and to ensure that any private benefit from the award of the guarantee shall be only incidental to the public purpose served thereby.

IV. The signature of the state treasurer on an endorsement of a state guarantee may be manual or facsimile.

162-A:18 Programs for Public Purpose; Required Findings.

I. The authority shall not take any action described in RSA 162-A:7, IV, 162-A:9, III, 162-A:10, IV, or 162-A:12, V, and the governor and council shall not award any guarantee under RSA 162-A:8, 162-A:10, III or RSA 162-A:13 unless the governor and council have made the following findings:

(a) The proposed action will serve a public use and provide a public benefit.

(b) The proposed action is within the policy of, and the authority conferred by, this chapter.

(c) The proposed action will preserve or increase the social welfare or economic prosperity of the state and one or more of its political subdivisions, and will promote the general welfare of the state's citizens.

(d) The proposed action will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.

(e) The applicable special findings in paragraph II of this section.

II. Before approving any action referred to in paragraph I, the governor and council shall also make the applicable special findings:



(a) If the action is the expenditure of money pursuant to RSA 162-A:7, the governor and council shall find that the expenditure is consistent with local or regional development plans and policies.

(b) If the action is the award or renewal of a state guarantee pursuant to RSA 162-A:8 or RSA 162-A:13, the governor and council shall find that:

(1) The award or renewal of the guarantee will contribute significantly to the success of the financing; and

(2) Reasonable and appropriate measures have been taken to minimize the risk of loss to the state and to ensure that any private benefit from the award of the guarantee will be only incidental to the public purpose served thereby.

(c) If the action is making of a temporary loan pursuant to RSA 162-A:9, the governor and council shall find that:

(1) The loan will be a significant factor in the continued operation, competitiveness, or expansion of the business receiving it;

(2) The business is of social or economic importance to the region or community in which it is located; and

(3) The risk of loss to the authority as a result of making the loan is reasonable under the circumstances.

(d) If the action is the acquisition of loans from local development organizations pursuant to RSA 162-A:10, the governor and council shall find that:

(1) Such acquisition will make available funds for the local or regional promotion, encouragement, or development of business activities in an area where such funds are needed; and

(2) The loans being acquired do not impose an undue risk of loss to the authority.

(e) If the action is the award of a state guarantee pursuant to RSA 162-A:10, III, the governor and council shall find that:

(1) The award of the guarantee is necessary to sell the loans at a reasonable price;

(2) The proposed use of the proceeds of sale by the authority will promote business activities within the state consistent with the purposes of this chapter; and

(3) Reasonable and appropriate measures have been taken to minimize the risk of loss to the state and to ensure that any private benefit from the award of the guarantee shall be only incidental to the public purpose served thereby.

(f) If the action is the establishment of a CAP fund or the execution or amendment of a CAP participation agreement pursuant to RSA 162-A:12, the governor and council shall find that:

(1) The proposed participating state bank is qualified to participate under the provision of this chapter;

(2) Appropriate measures have been taken to ensure that the participating state bank makes only CAP loans meeting the requirements of RSA 162-A:12, IV;

(3) The proposed CAP participation agreement complies with RSA 162-A:12, III; and

(4) Reasonable precautions have been taken to minimize the risk of loss to the CAP fund.

162-A:19 Hearings.

I. Promptly after the beginning of each calendar year the authority shall conduct a public hearing regarding the use of any available contingent credit limit under RSA 162-A:22. Such hearing may be held before a hearing officer appointed by the author-



ity who shall make a report of the hearing to the board before any final action is taken by the authority that uses a portion of the contingent credit limit.

II. Promptly after the beginning of each calendar year, before the authority makes its first assignment of state ceiling under RSA 162-M, the authority shall conduct a public hearing regarding the use of state ceiling by the authority for that year. Such hearing may be held before a hearing officer appointed by the authority who shall make a report of the hearing to the board before the authority assigns any state ceiling under RSA 162-M:2, III.

III. Any hearing required to be held by the governor and council under this chapter may be held by a single councillor as their designee, who shall make a report of the hearing to the governor and council prior to the making of any findings.

IV. Any hearings held under this chapter shall be for the information of the governor and council or the authority and shall not be treated as determining the rights, duties, or privileges of any entity or person. Neither the authority nor the governor and council shall be required to conduct adjudicative proceedings under RSA 541-A:16-21 in connection with any action taken under this chapter.

V. The authority shall hold the first hearings under RSA 162-A:19, I and II at the beginning of calendar year 1993.

162-A:20 Meetings. The authority shall hold its meetings in a building that is accessible to persons with disabilities. Five voting members of the board shall constitute a quorum, and the affirmative vote of 5 members shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the power of a quorum to exercise all rights and perform all duties of the authority. Notwithstanding RSA 91-A or any other law to the contrary, members of the board shall be permitted to participate in meetings by telephone, provided that any board member so participating shall be able to be heard by and to hear every other member of the board participating in the meeting, and, unless the board is meeting in a non-public session as permitted by RSA 91-A:3, shall be able to be heard by all members of the public attending the meeting. Voting members of the board participating by telephone shall be treated as present at the meeting for all purposes, including the establishment of a quorum. Any meeting at which one or more board members are participating by telephone shall be recorded verbatim by magnetic tape or otherwise, and such recording shall be made available for public inspection to the same extent as minutes of the meeting, provided that the accidental destruction of a recording or the accidental failure to record any meeting shall not invalidate any action taken at that meeting.

162-A:21 Revenues of Authority. The revenues received by and due to the authority from any and all sources under this chapter and RSA 162-I shall be retained by the authority and shall be used in such manner as may be determined by the authority consistent with the provisions of this chapter. It is the intent of the legislature that the authority be self-funding and that payment of its operating expenses shall not require state appropriation.

162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:17, and RSA 162-I:9-a shall not exceed in the aggregate at any time \$40,000,000 plus interest, provided that such amount shall be increased to \$55,000,000 plus interest on January 1, 1993, to \$70,000,000 plus interest on January 1, 1994, to \$85,000,000 plus interest on January 1, 1995, and to \$95,000,000 plus interest on January 1, 1996.

162-A:23 Reports. The accounts of the authority shall be subject to an annual audit performed by an independent certified public accountant selected by the authority. The authority shall submit annually to the speaker of the house of representatives, the president of the senate, the committees on economic development of the house of representatives and the senate, and the governor and council a report on its operations and its audited financial statements for the preceding fiscal year.

162-A:24 Tax Exemption and Payment for Services in Lieu of Taxes. Any property while owned by the authority is declared to be public property and shall be exempt from all taxes and special assessments of the state or any political subdivision of the state. In lieu of such taxes and special assessments, the state or the political subdivision shall require any business that is a tenant, occupant or user of the property to make payments annually to the municipality in which the property is located, for its just share of the public expense, including, but not limited to, education, highway maintenance, fire and police protection and other similar public expenses and governmental services. The board of tax and land appeals shall determine, after a hearing, that the payments constitute a just share of the public expense.

162-A:25 Construction and Effect of Other Laws.

I. The powers conferred by this chapter are supplemental and alternative to other powers conferred by law, and this chapter is intended as an independent and comprehensive conferral of powers to accomplish the purposes set forth in RSA 162-A:1.

II. No notice, hearing, proceedings or approval shall be required with respect to any action taken under this chapter except as provided in this chapter.

III. Purchases and contracts required in connection with a project may be made or let without regard to any provision of law relating to public purchases or contracts.

IV. The provisions of this chapter shall be liberally construed in order to effect its purposes.

V. If any provision of this chapter shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.

VI. This chapter shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this chapter, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

VII. Notwithstanding RSA 541-A or any other provision of law to the contrary, the authority shall be required to adopt rules, under RSA 541-A, only on the topics described in RSA 162-A:6, IV. The authority shall not be required to set forth in rules its fees and charges, any form of agreement to which the authority may be a party, or any form of application. The authority may waive its rules whenever it deems it necessary to carry out the purposes of this chapter or RSA 162-I.

VIII. Neither the members of the board nor any officer or employee of the authority shall be personally liable in ordinary negligence by reason of the issuance of bonds under this chapter or RSA 162-I. The state shall indemnify a board member or officer or employee of the authority for expenses related to defense against an ordinary negligence action. Neither the state nor the authority nor any officer or employee of either of them shall be subject to any liability for actions taken to protect the interests of the state, the authority, or any owner of the authority's bonds, provided that such actions are not reckless or wanton.

162-A:26 Conflicts of Interest. Any person or entity acting as an independent contractor for the authority shall avoid any conflict of interests. No person or entity employed or retained by the authority as an independent contractor shall, while so

employed or retained, represent any interest before the authority other than those of the authority and the state. Any independent contractor who acts in a manner contrary to this section shall be dismissed by the authority unless such independent contractor takes prompt steps to eliminate any conflict of interest after receipt of notice from the authority that such a conflict exists. Nothing in this section shall prevent the authority from requiring any borrower to pay or reimburse the authority for the fees and expenses of any independent contractor in connection with the borrower obtaining assistance from the authority. Notwithstanding anything in this section to the contrary, an independent contractor may, with the written consent of the authority, represent a party other than the authority in connection with the issuance of bonds under RSA 162-I, provided the principal amount of the bond issue is not greater than \$20,000,000.

4 New Section; State Guarantee. Amend RSA 162-I by inserting after section 9 the following new section:

162-I:9-a Additional State Guarantee.

I.(a) The governor and council may award an unconditional state guarantee of the principal of and interest on bonds issued under this chapter. The full faith and credit of the state shall be pledged for any such guarantee, but the total amount of bonds guaranteed by the state under this section shall not exceed in the aggregate at any time \$10,000,000, plus interest, provided that such amount shall be increased to \$20,000,000 plus interest on January 1, 1993, to \$30,000,000 plus interest on January 1, 1994, to \$40,000,000 plus interest on January 1, 1995, and to \$50,000,000 plus interest on January 1, 1996. In addition, the amount of bonds guaranteed by the state under this section shall not cause the contingent credit limit under RSA 162-A:22 to be exceeded. The governor, with the advice and consent of the council, is authorized to draw his warrant for such sum as may be necessary out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest on the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

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State Treasurer

(b) In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds, the use and operation of the eligible facilities, the reimbursement to the state if any state funds are used to honor the guarantee and any other matters necessary or desirable to carry out the purposes of this section. Such terms and conditions may be contained in an agreement entered into by the state, the authority, and user of the eligible facility to be executed on behalf of the state by the governor and the state treasurer and on behalf of the authority by any 2 persons authorized to execute bonds under RSA 162-I:8.

II. No state guarantee shall be awarded under this section unless the bonds are secured by a letter of credit, bond insurance policy, or similar credit enhancement issued by a bank, trust company, insurance company or other financial institution acceptable to the authority and the governor and council.



III. No proceeds of any bonds awarded a state guarantee under this section shall be used to make a loan of greater than \$2,000,000 to any user.

IV. The governor and council shall not award any state guarantee under this section unless they have found after a hearing that such guarantee will serve a public use and provide a public benefit and have determined that the authority's financing of the project and the state's guarantee of the bonds will be within the policy of, and the authority conferred by, this chapter.

V. Before awarding any state guarantee of bonds under this section the governor and council shall first make the findings required by RSA 162-I:9, except the finding required by RSA 162-I:9, II(b)(4), taking into account the state guarantee. In addition, the governor and council shall also find that:

(a) The award of a state guarantee will contribute significantly to the success of the financing; and

(b) Reasonable and appropriate measures have been taken to minimize the risk of loss to the state and to ensure that any private benefit from the award of a state guarantee will be only incidental to the public purpose served thereby.

VI. The hearing required by this section may be held and the findings and determinations so required may be made in conjunction with the proceedings required by RSA 162-I:9.

VII. Whenever a state guarantee of bonds is awarded under this section, the statement requirement in the first sentence of RSA 162-I:8, III shall be appropriately modified and the finding required by RSA 162-I:9, II(b)(4) shall not be made.

5 New Paragraph; Signature of State Treasurer. Amend RSA 162-I:8 by inserting after paragraph IV the following new paragraph:

V. The signature of the state treasurer on an endorsement of a state guarantee of a bond may be manual or facsimile.

6 Conforming Amendment; Reference to Additional State Guarantee. Amend RSA 162-I:10, I(a) and (b) to read as follows:

(a) From moneys received or to be received under the provisions of a financing or security documents entered into under this chapter or derived from the exercise of the authority's rights under those instruments; [or]

**(b) As permitted by RSA 162-I:9 or RSA 162-I:9-a; or**

**(c) As may be required by law other than the provisions of this chapter.**

7 Who May Serve as Trustees. Amend RSA 162-I:12 to read as follows:

162-I:12 Trustees and Trust Funds. Any [national] bank [or any], trust company [doing business in this state or in the Commonwealth of Massachusetts], or any other financial institution [doing business in this state] which has power to act as a trustee, **whether within or outside the state** may serve as trustee for the benefit of bondholders under a security document. Such trustee may at any time own all or any part of the bonds issued under that security document, unless otherwise provided therein. All [monies] **moneys** received or held by the authority or by a trustee pursuant to a financing or security document, other than funds received or held by the authority for its own use, shall be deemed to be trust funds and shall be held and applied solely in accordance with the applicable document, but the person paying such money to the authority or the trustee shall not in any way be bound to see to the proper application thereof.

8 Hearings Added. Amend RSA 162-I:16, II to read as follows:

II. No notice, **hearing**, proceedings or approval shall be required with respect to any action taken under this chapter except as provided in this chapter. **Any hearing**



required by RSA 162-I:9 or RSA 162-I:9-a shall be informational and shall not be treated as determining the rights, duties, or privileges of any entity or person. Neither the authority nor the governor and council shall be required to conduct adjudicative proceedings under RSA 541-A:16-21 in connection with any action taken under this chapter.

9 Name Change. Amend the chapter heading of RSA 162-I to read as follows:

[INDUSTRIAL DEVELOPMENT] **BUSINESS FINANCE AUTHORITY REVENUE BONDS**

10 Reference Change. Amend RSA 162-J:11, II to read as follows:

II. Action under this chapter may be in concert with the [industrial development] **business finance** authority acting under RSA 162-A or RSA [162-E] **162-I** or projects may be sold to such authority at any time during their development.

11 Reference Changes. Amend RSA 233:6, I to read as follows:

I. The commissioner of transportation, before commencing construction of any public road leading to a private recreational area, shall determine that sufficient funds are available to cover the costs of such construction whether from funds appropriated by the general court or from funds made available by the [industrial park] **business finance** authority under RSA 162-A[:6-b].

12 Reference Changes. Amend RSA 233:6, III to read as follows:

III. Any funds appropriated for redemption of a loan previously made by the [industrial park] **business finance** authority for construction of a public road to a private recreational area shall be in addition and added to the appropriation for construction and reconstruction of the department of transportation and shall be transferred to the [industrial park] **business finance** authority upon approval of the governor and council.

13 Name Change From Industrial Development Authority to Business Finance Authority. Amend the following RSA provisions by replacing "industrial development authority" with "business finance authority": RSA 162-I:1, V; 162-I:2, I-a; 162-M:1, V; 162-M:2; 162-M:3; 162-M:4 and 387:17-a.

14 Emergency Rules. The legislature declares that there is an urgent need for the programs created by sections 2 - 13 of this act. Therefore, notwithstanding any provisions of RSA 541-A to the contrary, the business finance authority may adopt emergency rules to implement the provisions of sections 2 - 13 of this act. The emergency rules authorized by this section shall remain effective until such time as the business finance authority adopts superseding rules under RSA 541-A. The business finance authority shall adopt interim rules implementing the provisions of sections 2-13 of this act no later than June 1, 1993, and shall commence permanent rulemaking implementing the provisions of sections 2-13 no later than December 31, 1993.

15 Definition; Eligible Facility. Amend RSA 162-I:2, V to read as follows:

V. "Eligible facility" means a facility which consists of real property, personal property or both. An eligible facility may include appurtenances and structures such as pumping machinery, storage accommodations, transportation facilities or utility lines which are incidental to the operation of the facility. If less than an entire eligible facility is to be financed under this chapter, the portion of the facility which is to be financed may also be called an eligible facility. **An eligible facility shall also include any intangible property, such as patents or licenses, reasonably necessary for the operation of the facility.**

16 Notice of Availability. Promptly after the effective date of sections 1-16 of this act, the authority shall publish in one or more newspapers in the state a notice announcing the programs established by RSA 162-A:8, 162-A:9, 162-A:13, and 162-I:9-a. In addition, the authority shall conduct a sequence of public information hearings in various regions of the state for the purpose of describing such programs and obtaining public input regarding their implementation. Such hearings shall be conducted by a member of the board or the executive director of the authority. No loan or guarantee shall be made under these programs until 60 days after the first notice announcing the programs has been published and the public information meetings have been completed.

17 Name Change; Business Finance Authority Study Committee Extended. Amend 1991, 149:1 to read as follows:

149:1 Study Committee Established; [Industrial Development] **Business Finance** Authority. There is established a committee to study the restructuring of the [industrial development] **business finance** authority to better assist new and expanding businesses in this state. The committee shall consist of 2 house members appointed by the speaker of the house; 2 senators appointed by the senate president; and 2 public members, with expertise in business and finance, appointed by the governor. The committee shall submit a report on its findings and recommendations for legislation to the speaker of the house, the senate president, and the governor, on or before [December 1, 1991] **November 1, 1992**. Legislative members of the committee shall receive mileage at the legislative rate.

18 Business Finance Authority Report to Study Committee. The business finance authority shall hire a consultant for the purpose of assisting the authority to develop and implement the programs created by RSA 162-A. Among other things, the consultant shall assist the authority in the development of performance indicators and accountability standards. The consultant shall as part of its duties prepare a report describing the development and implementation of the authority's programs, and such report shall be submitted to the business finance authority. The executive director of the business finance authority shall submit a report on performance and accountability standards adopted for implementation by the board to the study committee created by 1991, 149:1 not later than 6 months after the effective date of this section.

19 Authorizing City of Dover to Develop Economic Development Projects. Amend 1972, 63:5 to read as follows:

63:5 Declaration of Need and Purpose. It is hereby declared that there is a need for the development of industrial **and other** facilities within the city of Dover in order to alleviate and prevent unemployment and underemployment in the city and the region in which the city is located, to insure the continued growth and prosperity of said city and region and to promote the general welfare of the citizens [thereof] **of the city of Dover** and of the state. It is the purpose of this act to authorize the city of Dover and the Dover Industrial Development Authority to foster and encourage the development of industrial facilities **and other economic development projects** by acquiring, developing and operating industrial parks within the city, with or without the use of city funds, and by aiding the construction and expansion of industrial facilities within the city, **and by implementing other authorized economic development projects**, without the use of city funds, through the issue of industrial development revenue bonds. The two industrial assistance programs authorized by this act are intended to be mutually independent, although such independence shall not preclude the financing of industrial facilities within an industrial park by the issue of revenue bonds; and

all the powers herein conferred are intended to be in addition to and not dependent upon any powers conferred on said city or authority by chapter 546 of the Laws of 1971 or by any other law. It is further declared that the actions authorized by this act serve a public purpose and that in carrying out the provisions of this act the city and the authority shall be regarded as performing essential governmental functions.

20 Definition Added. Amend 1972, 63:6, III(k) to read as follows:

(k)(1) "Industrial development project"—the establishment or expansion of an industrial development facility within the city which is financed in whole or in part, by the issue of bonds.

(2) **"Other economic development project"—redevelopment activities pursuant to RSA 205, central business district activities pursuant to RSA 31 and other real property purchases, construction or property management authorized by the city in accordance with its powers conferred by any other law.**

21 Other Economic Projects Included. Amend the section heading of 1972, 63:14 to read as follows:

63:14 Powers of the Authority with Respect to Industrial Development **and Other Economic Development** Projects.

22 New Subparagraph; Other Economic Development Projects Added. Amend 1972, 63:14, I, by inserting after subparagraph (f) the following new subparagraph:

(g) To engage in other economic development projects, as defined in subparagraph (k) of paragraph III of section 6 of this act.

23 Statement of Intent. In enacting sections 24-45 of this act, the general court hereby declares that there is a need to allow:

I. Industrial development authorities to utilize expertise in real estate matters in the course of making decisions to enter leases as lessors, sublessors, or lessees of industrial facilities, and to monitor and enforce them, and to do so with lawful autonomy.

II. Municipalities to empower their industrial development authorities to utilize expertise in real estate matters to enter into other real estate transactions, provided that no such transaction shall commit a municipality to make expenditures in excess of income from appropriations made in the sole discretion of the municipality's legislative body and from leases and subleases of the subject premises, which transactions may include entering into purchases or options to purchase or entering into leases as lessees.

III. The legislative bodies of municipalities to experiment with expanded autonomy of industrial development authorities for such limited terms as they shall decree by ordinance.

IV. Industrial development authorities to make appropriate findings while respecting the sensitive, confidential or proprietary nature of information supplied by prospective vendors, vendees, lessors, or lessees.

24 New Paragraph; Definition Added. Amend RSA 162-G:3 by inserting after paragraph III the following new paragraph:

III-a. "Industrial development authority" hereinafter referred to as the "authority" shall mean the board of directors of a corporation described in RSA 162-G:15 or a board described in RSA 162-G:15-a.

25 Governmental Unit as Lessee. RSA 162-G:3, V is repealed and reenacted to read as follows:

V. "Lease" means:



(a) In the case where the authority is the lessor, "lease" shall mean a written instrument to which the authority and a tenant are parties and which provides for the use and occupancy of an industrial facility and the payment of rent to the authority.

(b) In the case where the authority is the sublessor from a governmental entity, "lease" shall mean a written instrument to which the authority and a tenant are parties and which provides for the use and occupancy of an industrial facility and the payment of rent to the authority, a part or all of which will be paid to the governmental entity according to the terms of the lessor/sublessor agreement. The rent paid by the authority to the lessor shall not exceed the total of the amounts appropriated by the legislative body of the municipality which authorized the lessor/sublessor arrangement to meet such rent plus the revenue derived by the authority from its sublessee in excess of the authority's costs in meeting its obligation as a sublessor to the sublessee.

(c) In the case where the authority is the lessee of property owned by a nongovernmental entity, "lease" shall mean a written instrument to which the authority and a tenant are parties and which provides for the use and occupancy of an industrial facility by the authority's existing or future sublessees, and the payment of rent to the authority, part or all of which shall be paid to the nongovernmental entity according to the terms of the lessor/lessee agreement between the authority and the nongovernmental entity. The rent paid by the authority to the lessor or sublessor shall not exceed the total of the amounts appropriated by the legislative body of the municipality which authorized the leasing of the property to meet such rent plus the revenue derived by the authority from its sublessee in excess of the authority's costs in meeting its obligation as a lessee to the sublessee.

26 Option Contracts. Amend RSA 162-G:4, I to read as follows:

I. To engage in projects and to acquire, **lease as lessee, own and dispose of industrial facilities within the [state] municipality, and to enter into option contracts to allow a municipality to acquire industrial facilities at or before some certain date, at some certain price, or below some certain price.**

27 Governmental Unit as Lessee. Amend RSA 162-G:4, III to read as follows:

III. To lease industrial facilities as owner and lessor **or as lessee and sublessor.**

28 References to Industrial Development Authority Added. RSA 162-G:4-a is repealed and reenacted to read as follows:

162-G:4-a Sales and Leases.

I. The sale or lease of any industrial facility or any part thereof shall be on such terms and conditions as is deemed appropriate by the legislative body or the industrial development authority to which the power to make such findings has been delegated, except that no property of the municipality shall be sold or leased for less than the value of such property as determined by the legislative body or the industrial development authority. In the case of findings made by the legislative body as to value of the property for the purpose of its sale or lease, the legislative body shall obtain and consider an opinion as to its value for such purpose furnished by a qualified, independent real estate appraiser certified under RSA 310-B. Any determination of value reached by the legislative body or the industrial development authority in good faith shall be conclusive. If the industrial development authority determines the value of the property then, in all instances, the public benefit shall be demonstrable in actions entered into by the industrial development authority.

II. In all lease actions entered into by an industrial development authority or governmental unit, public benefit shall be demonstrable.



29 Sublease Added. Amend the introductory paragraph of RSA 162-G:5, I to read as follows:

I. Every lease **or sublease entered into by a municipality as lessor or sublessor** shall:

30 Sublease Added. Amend the introductory paragraph of RSA 162-G:5, II to read as follows:

II. Any lease **or sublease entered into by a municipality as lessor or sublessor** may:

31 Amount of Rent. Amend RSA 162-G:5, II(d) to read as follows:

(d) Allocate responsibility between the [governmental unit] **municipality** and the tenant for making purchases and contracts required for the project, **provided that in the case of leases in which the municipality acts through its industrial development authority, any allocation of responsibility to the authority shall not exceed the total of the amounts appropriated by the legislative body for purposes of meeting such responsibility, and the rent derived from the lease in excess of costs of servicing bonds, unless the legislative body ratifies the lease;**

32 Approval by Industrial Development Authority. Amend RSA 162-G:8 to read as follows:

162-G:8 Approval of [Governing] **Legislative Body or Industrial Development Authority.**

I. **Except as provided in paragraph II,** the [governmental unit] **municipality** shall not acquire any industrial facility, or execute any lease or trust indenture or issue any bonds with respect thereto, unless the [governing] **legislative** body has found after a hearing that the proposed acquisition, leasing, operation and use of such industrial facility will serve a public use and provide a public benefit and that such acquisition and leasing will be within the policy of and the authority conferred by this chapter. The city council shall, before or after hearing, determine the appropriateness of proceeding under this chapter as required under RSA 162-G:2. The determination required by this section may be made by the [governing] **legislative** body only after finding to its satisfaction that:

[I.](a) The proposed industrial project can be feasibly located on the intended site and required utilities and access are or will be provided; and

[II.](b) The establishment and operation of the industrial facility will alleviate or prevent unemployment or underemployment, either in whole or in part, in the area in which such industrial facility is located; and

[III.](c) Such industrial facility will consist of land, or land and an industrial building, or buildings, which are suitable for industrial, manufacturing, waste processing or warehousing purposes; and

[IV.](d) Any proposed purchasers or tenants have the skills and financial resources necessary to operate the industrial facility successfully; and

[V.](e) Adequate provision has been, or will be, made for the payment of the cost of the construction of such industrial facility and that under no circumstances will the [governmental unit] **municipality** be obligated, directly or indirectly, for the payment of the cost of construction of such industrial facility, or for the payment of the principal of, or interest on, any obligations issued to finance such construction from funds other than those received under the provisions of the lease or the trust indenture except to the extent permitted by this chapter; and

[VI.](f) Adequate provision has been, or will be, made in the lease for the payment of all costs of operation, maintenance, and upkeep of such industrial facility by

the tenant or occupant so that under no circumstances will the [governmental unit] **municipality** be obligated, directly or indirectly, for the payment of such costs from funds other than those received under the provisions of the lease or trust indenture except to the extent permitted by this chapter; and

[VII.](g) The proposed acquisition, leasing, operation and use of such industrial facility will aid in the development, growth and prosperity of the [governmental unit] **municipality** in which such industrial facility is located, or of the [governmental unit] **municipality** undertaking the project.

**II. Notwithstanding the requirements of paragraph I of this section, the municipality acting through its industrial development authority may acquire facilities, purchase options to buy industrial facilities, and execute agreements to purchase leases and notes and mortgages with respect thereto, if the industrial development authority makes the findings and determinations required under paragraph I, provided that no contract entered into by the industrial development authority under this section shall commit the municipality to make expenditures in excess of the total of appropriations by the governing body specifically for meeting the commitments made and the income from leases and subleases of the subject premises. In all instances the public benefit shall be demonstrable.**

**III. Notwithstanding the provisions of RSA 91-A, the hearings required by this section may be held in nonpublic session, and reports of the investigations which may be conducted in aid of the determinations and findings required by this section may be kept confidential, to the extent necessary in respect of the sensitive, confidential or proprietary nature of information supplied by prospective vendors, including optionors; vendees, including optionees; lessors; lessees; sublessors and sublessees of industrial facilities.**

33 Legislative Body. Amend RSA 162-G:15-a to read as follows:

162-G:15-a Action Through Industrial Development Authority.

I. In any city which adopts this chapter, the powers and duties granted by this chapter, except those related to findings and approvals of the [governing] **legislative** body and the obligations of the [governmental unit] **municipality**, may be exercised by the city acting through an industrial development authority established under this section.

II. The [governing] **legislative** body in any city may establish an industrial development authority to exercise such powers and duties in the following manner:

(a) The authority shall consist of a board of directors of not less than 9 nor more than 15 members appointed for 3-year terms. A majority of the board members shall reside within the boundaries of the [governmental unit] **city**. [In a city,] The board members shall be appointed by the mayor subject to [confirmation by the city council] **the provisions of the city charter**. The terms of the initial members of the board so established shall be staggered so that 1/3, or as close to 1/3 as possible, of the board members will be appointed each year.

(b) The [governing] **legislative** body may provide that such city officers as it designates shall serve as ex officio **nonvoting** members of the board in addition to those members appointed under subparagraph (a).

III. All actions by the authority under this chapter shall be authorized by resolutions of the board passed on the affirmative votes of at least 2/3 of the board members present and voting, **the majority of whom shall reside within the boundaries of the city**.

34 Reference Added. RSA 162-J:3, II is repealed and reenacted to read as follows:

II. "Governing body" shall mean the chief administrative group, for example, the board of selectmen and "legislative body" shall mean the lawmaking body, for example, town meeting.

35 New Paragraph; Definition Added. Amend RSA 162-J:3 by inserting after paragraph III the following new paragraph:

III-a. "Industrial development authority" hereinafter referred to as the "authority" shall mean the board of directors of a corporation described in RSA 162-J:16 or a board described in RSA 162-J:16-a.

36 Town as Lessee. RSA 162-J:3, V is repealed and reenacted to read as follows:

V. "Lease" means:

(a) In the case where the authority is the lessor, "lease" shall mean a written instrument to which the authority and a tenant are parties and which provides for the use and occupancy of an industrial facility and the payment of rent to the authority.

(b) In the case where the authority is the sublessor from a governmental entity, "lease" shall mean a written instrument to which the authority and a tenant are parties and which provides for the use and occupancy of an industrial facility and the payment of rent to the authority, a part or all of which will be paid to the governmental entity according to the terms of the lessor/sublessor agreement. The rent paid by the authority to the lessor shall not exceed the total of the amounts appropriated by the legislative body of the municipality which authorized the lessor/sublessor arrangement to meet such rent plus the revenue derived by the authority from its sublessee in excess of the authority's costs in meeting its obligation as a sublessor to the sublessee.

(c) In the case where the authority is the lessee of property owned by a nongovernmental entity, "lease" shall mean a written instrument to which the authority and a tenant are parties and which provides for the use and occupancy of an industrial facility by the authority's existing or future sublessees, and the payment of rent to the authority, part or all of which shall be paid to the nongovernmental entity according to the terms of the lessor/lessee agreement between the authority and the nongovernmental entity. The rent paid by the authority to the lessor or sublessor shall not exceed the total of the amounts appropriated by the legislative body of the municipality which authorized the leasing of the property to meet such rent plus the revenue derived by the authority from its sublessee in excess of the authority's costs in meeting its obligation as a lessee to the sublessee.

37 Option Contracts. Amend RSA 162-J:4, I to read as follows:

I. To engage in projects and to acquire, **lease as lessee, own and dispose of industrial facilities within the town, and to enter into option contracts to allow a governmental unit to acquire industrial facilities at or before some certain date, at some certain price, or below some certain price.**

38 Town as Lessee. Amend RSA 162-J:4, III to read as follows:

III. To lease industrial facilities as owner and lessor **or as lessee and sublessor.**

39 Sublease Added. Amend the introductory paragraph of RSA 162-J:5, I to read as follows:

I. Every lease **or sublease entered into by a town as lessor or sublessor** shall:

40 Sublease Added. Amend the introductory paragraph of RSA 162-J:5, II to read as follows:

II. Any lease **or sublease entered into by a town as lessor or sublessor** may:

41 Amount of Rent. Amend RSA 162-J:5, II(d) to read as follows:

(d) Allocate responsibility between the [governmental unit] **town** and the tenant for making purchases and contracts required for the project, **provided that in the**



case of leases in which the town acts through its industrial development authority, any allocation of responsibility to the town shall not exceed the total of the amounts appropriated by the legislative body for purposes of meeting such responsibility, and the rent derived from the lease in excess of costs of servicing bonds, unless the legislative body ratifies the lease;

42 References to Industrial Development Authority Added. RSA 162-J:6 is repealed and reenacted to read as follows:

162-J:6 Sales and Leases.

I. The sale or lease of any industrial facility or any part thereof shall be on such terms and conditions as is deemed appropriate by the governing body or the industrial development authority to which the power to make such findings has been delegated, except that no property of the town shall be sold or leased for less than the value of such property as determined by the governing body or the industrial development authority. In the case of findings made by the governing body as to value of the property for the purpose of its sale or lease, the governing body shall obtain and consider an opinion as to its value for such purpose furnished by a qualified, independent real estate appraiser certified under RSA 310-B. Any determination of value reached by the governing body or the industrial development authority in good faith shall be conclusive. If the industrial development authority determines the value of the property then, in all instances, the public benefit shall be demonstrable in actions entered into by the industrial development authority.

II. In all lease actions entered into by an industrial development authority or governmental unit, public benefit shall be demonstrable.

43 Approval by Industrial Development Authority. Amend RSA 162-J:9 to read as follows:

162-J:9 Approval of Governing Body or Industrial Development Authority.

I. Except as provided in paragraph II, [the governmental unit] a town shall not acquire any industrial facility, or execute any lease or trust indenture or issue any bonds with respect thereto, unless the governing body has found after a hearing that the proposed acquisition, leasing, operation and use of such industrial facility will serve a public use and provide a public benefit and that such acquisition and leasing will be within the policy of and the authority conferred by this chapter. The governing body shall, before or after hearing, determine the appropriateness of proceeding under this chapter as required under RSA 162-J:1. The determination required by this section may be made by the governing body only after finding to its satisfaction that:

[I.] (a) The proposed industrial project can be feasibly located on the intended site and required utilities and access are or will be provided; and

[II.] (b) The establishment and operation of the industrial facility will alleviate or prevent unemployment or underemployment, either in whole or in part, in the area in which such industrial facility is located; and

[III.] (c) Such industrial facility will consist of land, or land and an industrial building, or buildings, which are suitable for industrial, manufacturing, waste processing or warehousing purposes; and

[IV.] (d) Any proposed purchasers or tenants have the skills and financial resources necessary to operate the industrial facility successfully; and

[V.] (e) Adequate provision has been or will be made for the payment of the cost of the construction of such industrial facility and that under no circumstances will the [governmental unit] town be obligated, directly or indirectly, for the payment of the cost of construction of such industrial facility, or for the payment of the principal of,



or interest on, any obligations issued to finance such construction from funds other than those received under the provisions of the lease or the trust indenture except to the extent permitted by this chapter; and

[VI.] (f) Adequate provision has been or will be made in the lease for the payment of all costs of operation, maintenance and upkeep of such industrial facility by the tenant or occupant so that under no circumstances will the [governmental unit] town be obligated, directly or indirectly, for the payment of such costs from funds other than those received under the provisions of the lease or trust indenture except to the extent permitted by this chapter; and

[VII.] (g) The proposed acquisition, leasing, operation and use of such industrial facility will aid in the development, growth and prosperity of the [governmental unit] town in which such industrial facility is located, or of the [governmental unit] town undertaking the project.

**II. Notwithstanding the requirements of paragraph I of this section, a town acting through its industrial development authority may acquire facilities, purchase options to buy industrial facilities, and execute agreements to purchase leases and notes and mortgages with respect thereto, if the industrial development authority makes the findings and determinations required under paragraph I, provided that no contract entered into by the industrial development authority under this section shall commit the town to make expenditures in excess of the total of appropriations by the legislative body specifically for meeting the commitments made and the income from leases and subleases of the subject premises. In all instances the public benefit shall be demonstrable.**

**III. Notwithstanding the provisions of RSA 91-A, the hearings required by this section may be held in nonpublic session, and reports of the investigations which may be conducted in aid of the determinations and findings required by this section may be kept confidential, to the extent necessary in respect of the sensitive, confidential or proprietary nature of information supplied by prospective vendors, including optionors; vendees, including optionees; lessors; lessees; sublessors and sublessees of industrial facilities.**

44 New Section; Action Through Industrial Development Authority. Amend RSA 162-J by inserting after section 16 the following new section:

162-J:16-a Action Through Industrial Development Authority.

I. In any town which adopts this chapter, the powers and duties granted by this chapter, except those related to findings and approvals of the legislative body and the obligations of the town, may be exercised by the town acting through an industrial development authority established under this section.

II. The legislative body in any town may establish an industrial development authority to exercise such powers and duties in the following manner:

(a) The authority shall consist of a board of directors of not less than 9 nor more than 15 members appointed for 3-year terms. A majority of the board members shall reside within the boundaries of the town. The board members shall be appointed by the selectmen. The terms of the initial members of the board so established shall be staggered so that 1/3, or as close to 1/3 as possible, of the board members will be appointed each year.

(b) The legislative body may provide that such town officers as it designates shall serve as ex officio nonvoting members of the board in addition to those members appointed under subparagraph (a).

III. All actions by the authority under this chapter shall be authorized by resolutions of the board passed on the affirmative votes of at least 2/3 of the board members present and voting, the majority of whom shall reside within the boundaries of the town.

45 Study Committee on Financial Management of Public Funds.

I. A committee is hereby established to study the financial management of public funds. The committee shall consist of 3 senators, appointed by the senate president, and 3 house members, appointed by the speaker of the house.

II. The committee shall have the following responsibilities:

(a) To study the integrated financial system to ensure that public funds are invested at optimal yields and maturities.

(b) To study the feasibility of enabling the state treasurer and municipal treasurers to deposit public funds, possibly at discounted rates, in New Hampshire banks which participate in public finance programs chartered or authorized by the general court.

(c) To develop appropriate standards of participation in public finance programs which would serve to determine the eligibility of depository institutions for a public investment program.

III. Committee members shall receive mileage at the legislative rate.

IV. The committee shall submit a report on its findings, including any recommendations for legislation, to the senate president and the speaker of the house on or before November 1, 1992.

46 Study Committee on Economic Development Established.

I. A committee is hereby established to study the desirability and the feasibility of enabling municipalities to grant abatements of property tax for purposes of economic development.

II. The committee shall consist of the following members:

(a) Three senators; one from the economic development committee, one from the ways and means committee, and one from the public affairs committee, appointed by the senate president.

(b) Three representatives; one from the economic development committee, one from the ways and means committee, and one from the municipal and county government committee.

III. Committee members shall receive mileage at the legislative rate.

IV. The committee shall submit a report on its findings, including any recommendations for legislation, to the senate president and the speaker of the house on or before November 1, 1992.

47 Effective Date.

I. Sections 1-16 and 46 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

I. Section 1 of the bill is a general purpose statement.

II. Sections 2-16 of this bill expand and modify the powers of the industrial development authority. The name of the authority is changed to the business finance authority.

III. Section 17 extends the reporting date of the committee established under 1991, 149:1 to study the industrial development authority from December 1, 1991, to November 1, 1992.

IV. Section 18 requires the business finance authority to hire a consultant, who shall report to the authority.

V. Sections 19-22 authorize the Dover Industrial Development Authority to engage in redevelopment activities.

VI. Sections 23-44 of the bill allow the expansion of the role of local industrial development authorities in real estate matters under RSA 162-G and RSA 162-J.

VII. Section 45 establishes a legislative committee to study financial management of public funds.

VIII. Section 46 establishes a legislative committee to study property tax abatements for economic development.

Reps. Bonnie Packard and Burling spoke in favor and yielded to questions.

Adopted.

Report adopted.

Referred to Appropriations.

**SB 411-FN**, relative to special education catastrophic aid. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William A. Riley for Education: This bill complements House Bill 1468 passed by the House this session. It permits school districts to borrow in anticipation of reimbursement by the State, and assigns liability for the cost of borrowing such funds to the Department of Education. Vote 17-0.

5535L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Estimated Expenditures; Calculation of Catastrophic Aid Payments. Amend RSA 186-C:18, III to read as follows:

III. (a) [The state shall appropriate not less than \$1,000,000 for each fiscal year to assist school districts in meeting catastrophic cost increases in their special education programs.] The state board of education through the commissioner, department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3-1/2 times the **estimated** state average expenditure per pupil for the school year preceding the year of distribution. If in any year, the amount appropriated for distribution as catastrophic special education aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant[; provided that the amount of catastrophic special education aid per pupil for a district requiring such aid shall not be more than 80 percent of catastrophic costs exceeding 3-1/2 times the state expenditure per pupil for the school year preceding the year of distribution for that district]. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed [according to the equalizing formula established in paragraph II] **for court-ordered placements under RSA 186-C:19-b**. The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency



assistance funds for certain educationally disabled children, it shall not receive catastrophic special education aid for those same educationally disabled children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

(b) **The school district shall be liable for 3-1/2 times the estimated state average expenditure per pupil, plus 20 percent of the additional cost, up to 10 times the estimated state average expenditure per pupil.**

(c) **The department of education shall be liable for 80 percent of the cost above the 3-1/2 times the estimated state average expenditure per pupil, up to 10 times the estimated state average expenditure per pupil.** The department of education shall be liable for all costs in excess of 10 times the estimated state average expenditure per pupil.

**2 Liability for Costs Changed. Amend RSA 186-C:7, IV to read as follows:**

**IV. The department of education, bureau of special education services, shall review any individualized education plan which includes a residential placement and for which the total cost of the placement exceeds [\$20,000] 10 times the estimated state expenditure per pupil. After review, the bureau of special education services may recommend an alternative appropriate placement to the local education agency, the superintendent, the individualized education plan placement team, and the parent.**

**3 New Paragraph; Costs of Catastrophic Special Education Aid. Amend RSA 186-C:18 by inserting after paragraph VII the following new paragraph:**

**VIII. A school district shall raise and appropriate funds reflecting the total cost in meeting catastrophic special education student costs as provided under RSA 186-C:18, including the school district and department of education liability. A school district may issue reimbursement anticipation notes as provided for in RSA 198:20-d to be redeemed upon receipt of reimbursement from the state. The department of education shall be liable for the cost of borrowing such funds.**

**4 New Section; Anticipation Notes. Amend RSA 198:20 by inserting after section 198:20-c the following new section:**

**198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district may incur debt in anticipation of reimbursement under RSA 186-C:18.**

**5 Estimated State Average Cost Per Pupil. Amend RSA 186-C:19-b, II to read as follows:**

**II. The school district liability for expenses for special education or for special education and educationally related services for an educationally disabled child in placement for which the division for children and youth services has financial responsibility shall be limited to 3 times the estimated state average cost per pupil, as determined by the state board of education for the preceding school year. The liability of a school district under this section shall be prorated if the placement is for less than a full school year and the district shall be liable for only the prorated amount. This section shall not limit a school district's financial liability for children who receive special education or special education and educationally related services in a public school or program identified in RSA 186-C:10.**

(a) Any costs of special education or special education and educationally related services in excess of 3 times the estimated state average cost per pupil shall be



the liability of the department of education. Costs for which the department of education is liable under this section shall be paid to education service providers by the department of education. The department of education shall develop a mechanism for allocating the funds appropriated for the purposes of this section.

(b) The division for children and youth services shall be liable for all court-ordered costs pursuant to RSA 169-B:40, 169-C:27, and 169-D:29 other than for special education or special education and educationally related services.

6 Effective Date. This act shall take effect July 1, 1992.

#### AMENDED ANALYSIS

This bill allows payments to school districts using estimated expenditures of the school districts.

The school district will be liable for 3-1/2 times the estimated state average expenditure per pupil plus 20 percent of the additional cost up to 10 times the estimated state average expenditure per pupil. The department of education will be liable for 80 percent of the cost above 3-1/2 times the estimated expenditure per pupil up to 10 times the estimated state average expenditure per pupil. The department will be responsible for all costs in excess of 10 times the estimated state average expenditure per pupil.

The current law provides payments to school districts by calculating the state average expenditure per pupil for the school year preceding the year of distribution.

The bill deletes the state minimum appropriation to districts for special education catastrophic cost increases.

This bill requires any individual education plan which includes a residential placement, and for which total education costs exceed 10 times the estimated state average expenditure per pupil, to be approved by the special education bureau of the department of education.

This bill requires a school district to raise and appropriate funds reflecting the total cost of meeting catastrophic special education student costs and to issue reimbursement anticipation notes in anticipation of reimbursement from the state.

This bill also limits school district liability for expenses of special education for which the division of children and youth services has financial responsibility to 3 times the estimated state average cost per pupil. Current law limits such liability to 3 times the state average cost per pupil.

Adopted.

Report adopted.

Referred to Appropriations.

**SB 469-FN**, relative to service retirement allowances and continuing education conferences for retirement system board of trustees. REFER FOR INTERIM STUDY.

Rep. Arnold P. Shibley for Executive Departments and Administration: This bill was quite controversial within the Committee, but it felt it deserved additional time that was not available to them. Therefore, it was allowed the dignity of Interim Study by a 12-1 margin.

Referred for Interim Study.

**SB 475-FN**, relative to retirement system benefits for withdrawing nongovernmental employees. OUGHT TO PASS WITH AMENDMENT.

Rep. Merton S. Dyer for Executive Departments and Administration: This bill was passed to the House of Representatives by the Senate under suspension of the Senate

rules. The Committee held the first hearing for this bill on March 18, 1992. The subject of this bill and the hearing revolved around the 1991 Legislative Session where the General Court amended the participation of units in the system to allow only governmental entities and units of political subdivisions to be part of NHRS. The original bill, SB 475, changed the conditions of the withdrawal after some of the ineligible units had withdrawn. The amendment proposed by the Committee further defines the conditions of withdrawal. The amendment was drawn by the Subcommittee with the assistance of the House Counsel, Senate Counsel, Retirement System Counsel and the representative of the Attorney General's Office. Legal assistance was requested because of the possible tax and legal implications to the system, the withdrawing unit and its members. The amendment will accomplish the following: 1. The withdrawing unit will receive an additional 3-1/2 percent per annum interest on the present value of the accumulated benefit obligation from February 1, 1992 to date of withdrawal. 2. On May 29, 1992 the assets of the employees' accumulated benefits will be transferred to the successor retirement plan of the non-governmental entity or, if no plan is in place, the funds will be distributed directly to the withdrawing non-governmental employee, subject to the applicable federal income tax withholding requirements. This will occur as soon as is practicable but not later than June 30, 1992. The original conditions of withdrawal allowed these eligible for early retirement on June 30, 1991 to elect this retirement option. This option is still available to them and will not prevent any employee electing this option, up to the time of actual transfer, from continuing or accepting employment with any employer not part of the New Hampshire Retirement System. Section 2 was amended to disallow buy-in of prior service credit with non-governmental employers. This is in keeping with current statutes. Vote 11-1.

5603L

#### Amendment

Proposed by the Committee on Executive Departments and Administration

Amend the bill by replacing sections 1 and 2 with the following:

1 Benefits Payable to Withdrawing, Nongovernmental Employees. Amend 1991, 358:2, II to read as follows:

II. All benefits accrued to the time of withdrawal from the system shall be fully vested in such withdrawing, nongovernmental employees and shall be no less than the accumulated benefit obligation. **The system shall pay interest at an annual rate of 3.5 percent on the accumulated benefit obligation of withdrawing, nongovernmental employees from February 1, 1992, to the date such benefits are transferred either directly to the withdrawing, nongovernmental employees or to the successor retirement plan of a withdrawing, nongovernmental employer covering such withdrawing employees.** The system shall cooperate with withdrawing, nongovernmental employers [in their establishing successor retirement plans and shall cooperate] **and employees** in arranging for the transfer of such **withdrawn** employee retirement benefits earned under the system to successor retirement plans [where practicable] **established by the withdrawing, nongovernmental employer, or, in the sole event no such transferee successor retirement plan is sponsored by the withdrawing nongovernmental employer and in effect on May 29, 1992, such transfer shall be made from the system directly to the withdrawing nongovernmental employees.** All benefits to be transferred to such employer-sponsored successor retirement plans shall be withdrawn from the system not later than May 29, 1992.

Those benefits of withdrawing nongovernmental employees then remaining in the system on said date and not so transferred to a successor retirement plan of the withdrawing, nongovernmental employer shall be paid, according to the terms set forth in this paragraph, and subject to applicable federal income tax withholding requirements, directly to the individual withdrawing nongovernmental employees as soon thereafter as is practicable for the system but not later than June 30, 1992.

**2 No Prior Service Credit; Nongovernmental Employer. Amend RSA 100-A:3, VI(e) to read as follows:**

**(e) A petition for prior service credit under subparagraph (a) shall be filed by a member and shall be filed prior to said member's retirement or death. No prior service credit shall be available for any periods of service rendered to a nongovernmental employer. A petition for prior service credit under subparagraph (d) shall be filed within 3 years after the end of the period for which prior service credit is requested.**

#### AMENDED ANALYSIS

During the 1991 legislative session, the general court amended the retirement system statutes to limit participation in the New Hampshire retirement system to governmental entities and political subdivisions of the state. Nongovernmental employers and their employees were required to withdraw from the retirement system no later than June 30, 1991, and the retirement system was required to cooperate with such employers in establishing successor retirement plans and in arranging for the transfer of such employee retirement benefits, where practicable.

This bill changes the requirements which the retirement system must meet as part of the transfer process to successor retirement plans established by the withdrawing, nongovernmental employer, or to the withdrawing, nongovernmental employee.

The bill requires the retirement system to pay interest at the rate of 3.5 percent on accumulated benefit obligation of withdrawing, nongovernmental employees from February 1, 1992, to the date these benefits are transferred either to a withdrawing, nongovernmental employee or to the successor retirement plan of a withdrawing, nongovernmental employer.

The bill also disallows prior service credit for any periods of service rendered to a nongovernmental employer.

Adopted.

Report adopted.

Referred to Appropriations.

**SB 376-FN-A**, relative to congregate services programs. OUGHT TO PASS.

Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs: The Committee has been aware of the housing problems of the frail elderly and incapacitated adults for some time. This piece of legislation enables the state to qualify for federal funds under the National Affordable Housing Act and the Farmers Home Administration. It was the sense of the Committee that providing home health services in their homes for this population is a lot less expensive and more humane than putting these people in nursing homes. The Fiscal Note calls for state expenditures of \$200,000 in FY '92 and \$200,000 in FY '93. Vote 10-5.

Adopted.

Referred to Appropriations.

**SB 471-FN**, authorizing child day care to certain AFDC clients. OUGHT TO PASS.

Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs: Currently AFDC recipients enrolled in a four-year postsecondary education program are eligible for child day care assistance only during the third and fourth years of the program. This bill would allow these AFDC recipients to have child day care assistance during any two years of a four-year program. It does not increase the total number of years during which child day care assistance would be available. As there are only 24 AFDC recipients enrolled in four-year educational programs now, and as it requires great tenacity and determination by a single parent even to reach the point of applying to a four-year program, the Committee does not believe that there will be a significant increase in the number of people eligible for this child day care assistance. Vote 11-1.

Adopted.

Referred to Appropriations.

### SUSPENSION OF RULES

Rep. Robert Foster moved that the Rules be so far suspended as to permit consideration at the present time of **SB 473-FN-A**, relative to a fund for organ transplantation and transferring responsibility from vocational rehabilitation to the division of human services.

Adopted by the necessary two-thirds.

**SB 473-FN-A**, relative to a fund for organ transplantation and transferring responsibility from vocational rehabilitation to the division of human services. OUGHT TO PASS.

Rep. Margaret A. Lynch for Health, Human Services and Elderly Affairs: This bill transfers the responsibility for administering the organ transplant program from the Office of Vocational Rehabilitation to the more appropriate Office of the Division of Human Services, Department of Health and Human Services. In addition to placing this responsibility where it logically belongs, it will free up the vocational rehabilitation budget to service 3,750 people currently waiting for assistance through the department. The Fiscal Note calls for state expenditures of \$0 in FY '92 and \$100,000 in FY '93. Vote 12-3.

Adopted.

Referred to Appropriations.

### SPECIAL ORDER

Rep. Lown moved that **SB 452**, redistricting certain district courts, be made a Special Order for Thursday, April 16, 1992.

Adopted.

### REGULAR CALENDAR (Continued)

**SB 474-FN**, relative to regular sessions of a district court in towns within the district. OUGHT TO PASS WITH AMENDMENT.

Rep. Alf E. Jacobson for Judiciary: SB 474 ends the satellite court system, and is a companion piece to SB 452. The amendment provides a bond issue in the amount of \$500,000 to purchase land and building for the Lebanon district court. Vote 11-4.

5615L

### Amendment

Amend the title of the bill by replacing it with the following:



## AN ACT

relative to regular sessions of a district court in towns within the district and making a capital appropriation for the Lebanon district court.

Amend the bill by replacing section 2 with the following:

2 Department of Administrative Services; Lebanon District Court Capital Appropriation. The sum of \$500,000 is hereby appropriated to the department of administrative services for the sole purpose of acquiring, renovating, and furnishing a land and building suitable for the Lebanon district court. The department of administrative services is authorized to negotiate the purchase of such land and building within the limits of the appropriated amount. A resulting purchase contract shall receive such review and approval as required by state law. This appropriation is in addition to any other funds appropriated to the department of administrative services.

3 Bonds Authorized. To provide funds for the total of the appropriation of state funds made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$500,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The payment of principal and interest on bonds and notes issued for such project shall be made when due from the general funds of the state.

## 4 Effective Date.

I. Section 1 of this act shall take effect January 1, 1993.

II. The remainder of this act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill removes the requirement that certain district courts hold sessions of at least one day per week in certain towns. It imposes a requirement that no session of a district court shall be held in any building which does not meet the minimum standards prescribed by the New Hampshire court accreditation commission.

The bill makes a capital appropriation for the Lebanon district court.

Rep. Lown spoke against the amendment.

The amendment failed.

## SPECIAL ORDER

Rep. Fenton moved that **SB 474**, relative to regular sessions of a district court in towns within the district, be made a special order for Thursday, April 16, 1992.

Adopted.

## REGULAR CALENDAR (Continued)

**SB 397**, relative to long-term job supports for severely disabled persons. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Marie C. Hawkinson for the Majority of Labor, Industrial and Rehabilitative Services: This bill defines the supported employment program by providing long-term job support to severely disabled persons to enable them to maintain their employment. This program would be available only to persons who are not eligible for services from the Division of Mental Health and Developmental Services. Vote 9-3.

Rep. George W. Wright for the Minority of Labor, Industrial and Rehabilitative Services: The Minority felt this bill would expand Government and Government spending. At the present time, our state should hold the line on spending and expansion.

Majority report adopted.

Referred to Appropriations.

**SB 314-FN-A-L**, making a supplemental appropriation for the board of tax and land appeals and increasing filing fees for appeals to the board. **OUGHT TO PASS WITH AMENDMENT**

Rep. Karen O. Wadsworth for Municipal and County Government: The purpose of this legislation is to enable the Board of Tax and Land Appeals to handle appeals on a current basis. SB 314 as amended allows the Board of Tax and Land Appeals to increase the filing fee for an appeal from \$40 to \$65. The fee increase is needed to make the agency revenue neutral, and allow for more expeditious disposition of cases brought to the Board. The amendment also corrects a drafting error. Vote 8-4.

5554L

#### Amendment

Amend the bill by replacing sections 1-5 with the following:

1 Order for Reassessment; Fee Increased. Amend RSA 71-B:16, I to read as follows:

I. When a specific written complaint is filed with it, by a property owner, within 90 days of the date on which the last tax bill on the original warrant is sent by the collector of taxes of the taxing district, that a particular parcel of real estate or item of personal property not owned by him has been fraudulently, improperly, unequally or illegally assessed. The board shall consider only one complaint from a property owner for each parcel of land until such time as a reassessment has been made. The complainant shall pay a fee of [\$40] **\$65** for each specific particular parcel or specific item of personal property complained of. The board shall send notice by certified mail to the taxpayer against whose property the complaint is made; or

2 Payment of Filing Fee to Board of Tax and Land Appeals Increased. Amend RSA 76:16-a, I to read as follows:

I. After the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a [\$40] **\$65** filing fee, may, within 8 months after notice of such tax, and not afterwards, **unless the municipality shall have an additional 2 months to respond to the appeal as provided in RSA 76:16, II**, apply in writing to the board of tax and land appeals which, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. Property owners who have appealed a tax assessment to the board of tax and land appeals and who receive a tax bill for a subsequent year prior to the time the board of tax and land appeals has acted on the original appeal shall be automatically considered as having appealed the subsequent bill and no further filing fee shall be required. "Notice of such tax" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district. The person aggrieved shall state in its appeal to the board either the date of the municipality's decision on the RSA 76:16 application, or that 6 months has passed since the notice of the tax and that the municipality failed to issue a decision in accordance with RSA 76:16.

3 Appeals to Board of Tax and Land Appeals; Filing Fee Increased. Amend RSA 79-A:9, I to read as follows:

I. If the assessing officials deny in whole or in part any application for classification as open space land, or grant a different classification than that applied for, the applicant, having complied with the requirements of RSA 79-A:5, II may, on or

before 6 months after any such action by the assessing officials, in writing and upon a payment of a [\$40] **\$65** filing fee, apply to such board for a review of the action of the assessing officials.

4 Application Fee for Abatement of Taxes Increased. Amend RSA 81:5 to read as follows:

81:5 Abatement of Taxes. The commissioners of the county in which the real estate is situated, for good cause shown, may abate any tax assessed by them in the unincorporated towns or unorganized places. All applications for abatement shall be in writing. If they neglect or refuse to abate, any person aggrieved, having complied with the requirements of RSA 74, may, within 6 months after notice of such tax and not afterwards, apply either by written application to the board of tax and land appeals, or by petition to the superior court in the county, accompanied by a [\$40] **\$65** filing fee, and said board or court, as the case may be, shall make such order thereon as justice requires.

5 Supplemental Appropriations; Board of Tax and Land Appeals. The sums of \$31,414 in general fund moneys and \$20,943 in highway fund moneys for the fiscal year ending June 30, 1992, and the sums of \$63,130 in general fund moneys and \$42,088 in highway fund moneys for the fiscal year ending June 30, 1993, are hereby appropriated to the board of tax and land appeals for the purpose of hiring and compensating one paralegal II, salary grade 18, and 2 executive secretaries, salary grade 10. These appropriations are in addition to any other funds appropriated to the board of tax and land appeals. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

#### AMENDED ANALYSIS

This bill makes supplemental appropriations for fiscal years 1992 and 1993 to the board of tax and land appeals in order for the board to hire one paralegal II and 2 executive secretaries. The bill increases the filing fees for taking appeals before the board from \$40 to \$65. The bill also refers to the additional time a municipality has to respond to a taxpayer's appeal when a reevaluation was performed in the municipality.

Adopted.

Report adopted.

Referred to Appropriations.

**SB 399-FN-L**, requiring rabies shots for cats. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Martha Fuller Clark for the Majority of Municipal and County Government: Several hours of testimony at the hearings, subsequently documented by further research, alerted the committee to the advancing threat of a new strain of rabies approaching New Hampshire. Raccoons have been identified as the principal carriers, placing cats at a greatly increased risk of contacting this disease and transmitting it to humans. While by New Hampshire law RSA 436:99) dogs are required to be inoculated, cats are not. This bill requires that cats also be inoculated against rabies. Rhode Island, Massachusetts and Vermont are also considering similar legislation this session. The committee voted 14-4 Ought to Pass as Amended recognizing this enforcement, including quarantine, for violation of any threat to public health is already provided for under RSA 436:33. Vote 14-4.

Reps. Brungot, Golden and Eva Lawrence for the Minority of Municipal and County Government: The Majority, having voted in the affirmative on SB 399-FN-L, did not change the opinion of the Minority, which found this bill flawed in particular

areas, and, in the first mandated action to immunize cats against rabies, the bill will not increase the number of cats to receive rabies vaccinations. The caring pet owners will continue to have their pets vaccinated for rabies, but those who have not had their pets vaccinated before, due to the expense, will not be able to afford the expense because of this legislation, and the free roaming pets will continue to pose the same threat of uncontrolled rabies.

The prevailing RSAs support legislation that controls vaccination of dogs for rabies, and if the dictates of the statutes are enforced, the threat of rabies among dogs should be minimal.

There is no provision provided in this legislation for enforcement for cats, except in paragraph 436:108, directing the Commissioner of Agriculture to adopt rules pursuant to RSA 541-A.

The scope of Chapter 541-A is rather vague in relation to the Commissioner's authority and the particular action to be implemented. Authority delegated in RSA 436:106, relating to confinement of dogs after vaccination, is directed to the discretion of the local health authority, and amended in 436:108.

The Commissioner shall enforce the provisions of this subdivision for the control of rabies in dogs and cats. The legislation possesses merits of consideration, however, with the purported threat of rabies on the rise, the cat problem is not sufficiently addressed to prevent any increase within the cat population.

The fiscal impact is very unclear, and the methodology does not present a true procedure of licensing, or enforcement of immunization of cats.

Many municipalities now provide clinics for cat and dog vaccinations at a reasonable rate set by participating veterinarians.

In summation, this legislation fails to correct the existing problem of potential rabies outbreak in cats. A more in-depth analysis of the potential problem, coupled with expertise from the state level and Agricultural Department, should be addressed in the implementation of positive legislation relating to cats being immunized against rabies.

5612L

#### Amendment

Amend RSA 436:102 as inserted by section 5 of the bill by replacing it with the following:

436:102 Duties of Veterinarian. It shall be the duty of each veterinarian, at the time of vaccinating any dog **or cat**, to complete a certificate of rabies vaccination in duplicate which includes the following information: owner's name and address, description of dog **or cat** (breed, sex, markings, age, name), date of vaccination, rabies vaccination tag number, type of rabies vaccine administered, and manufacturer's serial number of vaccine. Distribution of copies of the certificate shall be: the original to the owner, and a copy retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies for the interval between vaccinations specified in RSA 436:100. A metal or durable plastic tag, serially numbered, shall be securely attached to the collar or harness of the dog. Whenever the dog is out-of-doors, whether on or off the owner's premises, the collar or harness with the vaccination tag shall be worn. **Cats shall not be required to wear the collar or harness with the tag.**

Amend RSA 436:106, II(a) as inserted by section 9 of the bill by replacing it with the following:



(a) **The dog shall be** immediately revaccinated and confined for a period of 30 days following revaccination the owner of the animal [being] **shall be** responsible for any expense incurred. The type of confinement shall be at the discretion of the local health authority. At the completion of confinement, the [animal] **dog** shall be examined by a licensed veterinarian[,], and released if found by said veterinarian to be safe.

Amend the bill by replacing sections 11 and 12 with the following:

11 Cat Added. Amend RSA 436:108 to read as follows:

436:108 Enforcement. [It shall be the duty of] The commissioner [to] **shall** enforce the provisions of this subdivision for the control of rabies in dogs **and cats**, and he shall adopt such rules, **pursuant to RSA 541-A**, as he deems necessary to carry out the intent of this subdivision.

12 Administrative Fine. Amend RSA 436:109 to read as follows:

436:109 [Penalties] **Penalty**. Any person who violates the provisions of this subdivision **or rule adopted under it** shall be guilty of a violation.

Rep. Grodin spoke in favor.

Rep. Jasper moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Reps. Roulston and Martha Fuller-Clark spoke against.

Rep. Copenhagen spoke against and yielded to questions.

The motion failed.

Amendment adopted.

Report adopted.

Ordered to third reading.

**SB 403-L**, requiring that dogs and cats placed by shelters and pounds be spayed or neutered. **INEXPEDIENT TO LEGISLATE**

Rep. Richard A. Grodin for Municipal and County Government: Testimony on this bill was highly emotional and sharply split. The question centers on the increasing number of feral pet animals. The solution offered by humane organizations would be mandatory neutering of all such animals placed in animal shelters and later adopted, with a fee paid by the adopter. Those opposing the legislation argued against this form of forced compliance. The Committee was unable to discern from the testimony answers to a number of questions about how widespread and how serious the problem is. It received conflicting testimony regarding the experience other states have had with programs similar to this proposal. The Commissioner of Agriculture, in response to our queries, pledged to study the problem and obtain the answers to our unanswered questions. Vote 12-1.

Adopted.

**SB 467-FN-L**, changing the interest rates on delinquent property taxes and subsequent taxes and requiring a certificate of tax payment prior to the moving of a building or structure. **OUGHT TO PASS WITH AMENDMENT**

Rep. John S. Barnes, Jr. for Municipal and County Government: There is a potential problem throughout the state when it comes to the moving of buildings or structures. This bill adds to RSA 80:2-A "any person who fails to comply with the provisions of this section shall be guilty of a misdemeanor." All testimony was favorable on this part of the bill. The amendment deletes a proposal to change the interest on delinquent tax bills from 12% to 8.5% or 5.5% above the average interest on 90-day treasury bills, a change which would have entailed both a \$5.5 million cost to

cities and towns and also an unfunded mandate of \$200-\$400 per year to each municipality. Vote 13-0.

5499L

### Amendment

Amend the title of the bill by replacing it with the following:

### AN ACT

requiring evidence of tax payment for the moving of a building or structure.

Amend the bill by replacing all after the enacting clause with the following:

1 Tax Payment Required for Relocation of Buildings or Structures. RSA 80:2-a is repealed and reenacted to read as follows:

80:2-a Relocation of Buildings or Structures. No building or structure that is taxed as real estate, except manufactured housing constituting the stock-in-trade of a dealer in the business of selling manufactured housing, shall be moved from the location where it was last taxed unless the owner thereof shall produce and deliver to the person moving the same a receipted tax bill for the tax assessed as of April 1, or a certificate from the tax collector of the city or the selectmen of the town that all property taxes owed have been paid in full. The person or persons moving such building or structure shall hold the receipted tax bill or certificate from the tax collector or selectmen during the period of transit of said building or structure, and upon arrival at its destination, deliver the same to the owner of the building or structure. Any person who fails to comply with the provisions of this section shall be guilty of a misdemeanor.

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill requires that the owner of a building or structure being moved obtain a receipted tax bill or a certificate stating that all property taxes owed on such building or structure have been paid.

Adopted.

Report adopted.

Ordered to third reading.

**SB 438-FN-A**, relative to the department of transportation equipment inventory fund and making an appropriation therefor. OUGHT TO PASS.

Rep. Beaton Marsh for Public Works: Senate Bill 438 establishes an equipment inventory fund. Once this fund is established, it will become self-supporting by charging the equipment-user account with depreciation. The depreciation will be debited to the revolving equipment inventory for future purchases. Authority to issue \$7 million in bonds is granted to set up the fund. Payment of these bonds will be charged against the highway fund. Vote 15-2.

Adopted.

Referred to Appropriations.

**SB 446-A**, authorizing construction of exit 10 on the Spaulding turnpike from bonds previously authorized and changing the classification of the Salmon Falls road in Rochester and Somersworth to class II. OUGHT TO PASS WITH AMENDMENT.

Rep. Roland A. Frechette for Public Works: This bill provides for the construction of Exit 10 on the Spaulding Turnpike. The project is already authorized on the 10-year plan. The amendment authorizes the Commissioner of the Department of Trans-

portation to separate this project from the east-west highway study after January 1, 1993. Section 2 reclassifies Salmon Falls Road in Somersworth and Rochester as a state highway. Vote 17-0.

5634L

### Amendment

Amend the bill by inserting after section 2 the following new section and renumbering the original sections 3 - 4 to read as 4 - 5, respectively:

3 Authority to Begin Studies. Notwithstanding any other provision of law, if the commissioner of transportation, upon review of the status and progress of the preliminary design plans and environmental impact study for the east-west highway provided in 1986, 203:8, as amended by 1988, 266:2; 1990, 244:2 and 3; and 1991, 255:3, determines on January 1, 1993, that substantial delay in completing the draft environmental impact statement or the determination of a recommended alternative for an east-west highway will likely occur beyond the March 31, 1993, completion deadline for an east-west highway, he may initiate preliminary engineering studies, environmental studies, and right-of-way acquisitions for the construction of exit 10 on the Spaulding turnpike. The studies of exit 10 shall be coordinated with the city of Somersworth's investigation of alternative connector routes from an exit 10 on the Spaulding turnpike to the city of Somersworth.

Adopted.

Report adopted.

Referred to Appropriations.

**SB 333**, relative to a Piscataqua River basin council. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard C. Dickinson for Resources, Recreation and Development: The Committee believes that, while Senate Bill 333 is well intended, a number of agreements and compacts already exist in the seacoast/Great Bay area. These include the New England Interstate Water Pollution Control Compact, the Maine-NH Commission on Oceanography, the Commission to Study Uniform State Laws, the Commission on Interstate Regional Planning Compact, the Atlantic States Marine Fisheries Compact, the Interstate Flowage Compact, and the Interstate Sewage and Waste Disposal Compacts, as well as the Gulf of Maine Council on the Marine Environment and the New England Governor's Conference, Inc. There is no question that a number of opportunities already exist for cooperation, communication, and exchange of information, both formal and informal, in the Piscataqua River Basin. New Hampshire has been aggressive and effective in addressing the pollution, planning, harbor management and safety issues of this area. Any further proliferation of effort at this time is unjustified. It should be emphasized that this does not prevent interested parties from both Maine and New Hampshire from discussing points of mutual interest at any time and place. Vote 14-1.

Adopted.

**SB 375**, allowing the division of parks and recreation to give rewards for information leading to the recovery of stolen division property. **OUGHT TO PASS WITH AMENDMENT.**

Reps. Mary Ann Lewis and Leonard A. Smith for Resources, Recreation and Development: Senate Bill 375, as amended, authorizes rewards being paid by the Division of Parks and Recreation for information leading to the recovery of stolen Division property or information leading to the arrest of persons committing theft and vandal-

ism. Furthermore, it sets a policy whereby nonresident skiers over 70 years of age may ski free at the state ski areas, during the week and have free entrance to all state recreation facilities. At present, only residents over 65 can ski free on week days. This policy is consistent with that of all other states and European countries. Vote 14-2.

5523L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

allowing the division of parks and recreation to give rewards for information leading to the recovery of stolen division property and allowing free admission to any state recreation area for persons over 70.

Amend the bill by replacing all after section 1 with the following:

2 Admission Without Charge. Amend RSA 218:5-c to read as follows:

218:5-c Admission Without Charge. Any person **who has attained the age of 70 and any person** who is a resident of this state and who has attained the age of 65 shall, upon proper identification, be admitted to any state recreation area, including but not limited to parks, historical sites, beaches and ski areas, without charge. Persons qualifying under this section shall be allowed to use any state-owned facility within the recreation area without charge for the use of the facility, except persons qualifying under this section shall be charged the usual fee for the use of so-called "uphill devices" on Saturdays and Sundays. Provided further that other special charges at state-owned recreation areas, such as fees charged for parking at parking meters, shall be charged persons qualifying under this section at the usual rates. The provisions of this section shall not apply to state-owned campsites or camping areas.

3 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill allows the director of the division of parks and recreation to offer rewards for information leading to the recovery of stolen division property, or for information leading to the arrest and conviction of any person committing an act of theft or vandalism upon division property. All rewards shall be subject to approval of the governor and council.

This bill also allows any person who has attained the age of 70, regardless of residency, to be admitted without charge to any state recreation area.

Adopted.

Report adopted.

Ordered to third reading.

**SB 428-FN**, designating segments of the Connecticut River for the rivers management program and allowing existing hydroelectric facilities to maintain operations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard C. Dickinson for Resources, Recreation and Development: Senate Bill 428, as amended, designates the Connecticut River under the Rivers Management and Protection Act (RSA 483). By doing so, the legislature recognizes the unique quality of the river while at the same time allowing existing hydroelectric facilities to maintain operations consistent with whatever instream flow agreements exist on the upper reaches of the river. Vote 16-0.



5648L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

designating segments of the Connecticut River for the rivers management and protection program, reclassifying a segment of the Contoocook River, allowing existing hydroelectric facilities to maintain operations, and requiring the establishment of procedures before water can be released from dams.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Connecticut River Designated as Protected. Amend RSA 483:15 by inserting after paragraph VII the following new paragraph:

**VIII. Connecticut River:**

(a) As a rural river from the outlet of the Fourth Connecticut Lake to a point .3 miles above the Second Connecticut Lake Dam.

(b) As a community river from the point above the Second Connecticut Lake Dam to a point .3 miles below the Second Connecticut Lake Dam.

(c) As a rural river from the point below the Second Connecticut Lake Dam to a point .3 miles above the First Connecticut Lake Dam.

(d) As a community river from the point above the First Connecticut Lake Dam to a point .3 miles below the First Connecticut Lake Dam.

(e) As a rural river from the point below the First Connecticut Lake Dam to a point .3 miles above Murphy Dam.

(f) As a community river from the point above the Murphy Dam to a point 2 miles below the Murphy Dam.

(g) As a rural river from the point 2 miles below the Murphy Dam to Bishop Brook in Stewartstown.

(h) As a community river from Bishop Brook to Leach Creek in Canaan, Vermont.

(i) As a rural river from Leach Creek to the confluence with the Mohawk River.

(j) As a rural community river from the confluence with the Mohawk River to the Columbia-Colebrook town line.

(k) As a rural river from the Columbia-Colebrook town line to Wheeler Stream in Brunswick, Vermont.

(l) As a natural river from Wheeler Stream to the Maidstone-Stratford Bridge.

(m) As a rural river from the Maidstone-Stratford Bridge to a point one mile above the breached Wyoming Valley Dam in Northumberland.

(n) As a community river from one mile above the breached Wyoming Valley Dam site to a point one mile below the Wyoming Valley Dam Site.

(o) As a rural river from one mile below the breached Wyoming Valley Dam site to a point .3 miles above the Simpson Paper Company Dam.

(p) As a community river from the point above the Simpson Paper Company Dam to .3 miles below the Simpson Paper Company.

(q) As a rural river from the point below the Simpson Paper Company Dam to .4 miles above the Moore Dam.

(r) As a community river from the point above the Moore Dam to a point .6 miles below the Moore Dam.

(s) As a rural river from the point below Moore Dam to a point .3 miles above the Comerford Dam.

(t) As a community river from the point above the Comerford Dam to a point .2 miles below McIndoes Falls Dam.

(u) As a rural river from the point below the McIndoes Falls Dam to a point .3 miles above the Ryegate Dam.

(v) As a community river from the point above the Ryegate Dam to a point .2 miles below the Ryegate Dam.

(w) As a rural river from the point below the Ryegate Dam to the Ammonoosuc River in Bath.

(x) As a community river from the Ammonoosuc River to the point where routes 135 and 10 meet in Haverhill.

(y) As a rural river from the intersection of routes 135 and 10 to Storrs Pond Brook in Hanover.

(z) As a rural-community river from Storrs Pond Brook to Dothan Brook outlet in Hartford, Vermont.

(aa) As a community river from the Dothan Brook to .3 miles below the Wilder Dam.

(bb) As a rural-community river from the point below the Wilder Dam to the Lebanon-Plainfield town line.

(cc) As a rural river from the Lebanon-Plainfield town line to the Blow-Me-Down Brook in Cornish.

(dd) As a rural-community river from the Blow-Me-Down Brook to the northern end of Chase Island in Cornish.

(ee) As a rural river from the north end of Chase Island to the southern side of the Williams River in Bellows Falls, Vermont.

(ff) As a community river from the southern side of the Williams River to the Saxtons River in Westminster, Vermont.

(gg) As a rural-community river from the Saxtons River to the bridge between Westminster Station and Walpole.

(hh) As a rural river from the bridge at Westminster Station to the Brattleboro-Dummerston, Vermont town line.

(ii) As a rural-community river from the Brattleboro-Dummerston, Vermont town line to Sprague Brook.

(jj) As a community river from Sprague Brook to a point .3 miles below the Vernon Dam.

(kk) As a rural river from the point below the Vernon Dam to the Massachusetts border.

2 New Paragraph; Local River Management Advisory Committee; Connecticut River. Amend RSA 483:8-a by inserting after paragraph III the following new paragraph:

IV. In the case of the Connecticut River, the commissioner shall appoint the New Hampshire Connecticut River Valley resource commission as the local river management advisory committee to work with the Vermont Connecticut River Watershed Advisory Commission as provided in RSA 227-E. a minimum of 5 subcommittees shall be established by the Connecticut River Valley resource commission along the

river between Vermont and New Hampshire as provided in RSA 483:8-a, II. Vermont residents may be appointed in an advisory capacity to the local river management advisory committee, except where the Connecticut River is exclusively intrastate.

3 Continued Operation of Existing Hydroelectric Facilities. Amend RSA 483:12-b to read as follows:

483:12-b Subject to Other Laws; **Existing Hydroelectric Facilities.**

I. Any activities permitted under this chapter shall be subject to all applicable state and federal laws and regulations.

**II. Nothing in this chapter shall prohibit the continued operation, repair and maintenance of hydroelectric storage and generation facilities existing on the effective date of this paragraph.**

4 Notice Required. Amend RSA 483:6, I to read as follows:

I. Any New Hampshire organization or resident may nominate a river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. The completed nomination shall be submitted to the rivers coordinator on or before July 15 in order for it to be considered in the next legislative session. This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, buildings, and other man-made structures; riparian interests and other pertinent instream and riverbank information. The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. The nominating party shall advertise the meeting in cooperation with the rivers coordinator[,] **and shall give written notice to the governing body of any municipality where segments of the river are located.** [and] The rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.

5 Local-State Cooperation on Establishment of Instream Flows in the Northern Segments of the Connecticut River.

I. The commissioner of environmental services is hereby directed to coordinate the department's efforts to establish instream flows on the segments of the Connecticut River north of the Columbia-Stratford town line with state legislators, local selectmen, planning board members and representatives of local business, agriculture, and the hydroelectric industry. The interest and needs of local officials and representatives of business, and agriculture in particular, in this area shall be considered in establishing instream flows for this section of the Connecticut River to the greatest extent possible. The protected instream flows established for this section of the Connecticut River shall insure that the flows remain within the banks of the river and do not adversely impact crops in the floodplain area, except during periods of heavy flooding when emergency conditions make it necessary to overflow the banks. Such instream flows shall respect the terms of all existing written agreements between the local communities and New England Power relative to the Murphy Dam on Lake Francis as of the effective date of this act.

6 New Subparagraph; Rural River Protection for Contoocook River Extended. Amend RSA 483:15, VII(a)(1) by inserting after subparagraph (D) the following new subparagraph:

(E) From the Henniker-Hopkinton town line to the Riverhill bridge in Penacook.

7 New Subparagraph; Contoocook River, Community River Extended. Amend RSA 483:15, VII(a)(2)(E) to read as follows:

(E) From the twin iron bridges in West Henniker to the [confluence with the Merrimack River] **Henniker-Hopkinton town line.**

(F) **From the Riverhill bridge in Penacook to the confluence with the Merrimack River.**

8 New Paragraph; Flowage Right Defined. Amend RSA 483:4 by inserting after paragraph IX the following new paragraph:

IX-a. "Flowage right" means an easement to flow water over the land of others.

9 Flowage Rights Added. Amend RSA 483:6, I to read as follows:

I. Any New Hampshire organization or resident may nominate a river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. The completed nomination shall be submitted to the rivers coordinator on or before July 15 in order for it to be considered in the next legislative session. This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, buildings, and other man-made structures; riparian interests, **including flowage rights known by the nominating individual or group**, and other pertinent instream and riverbank information. The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. The nominating party shall advertise the meeting in cooperation with the rivers coordinator, and the rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.

10 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill nominates the Connecticut River for protection under the New Hampshire rivers management and protection program and permits the continued operation of hydroelectric facilities.

This bill requires the nominating party to give written notice to the governing body of any municipality where segments of the nominated river are located.

This bill reclassifies parts of the Contoocook River as a rural river and community river.

This bill also requires the commissioner of environmental services to coordinate the department's efforts to establish instream flows on the segments of the Connecticut River north of the Columbia - Stratford town line in order to minimize crop damage.

Adopted.

Report adopted.

Ordered to third reading.

**SB 322**, establishing a committee to study the effectiveness of the laws decommissioning nuclear power plants. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles C. Vogler for Science, Technology and Energy: According to extensive testimony received, the Nuclear Decommissioning Finance Committee established under RSA 162-F appears to be operating well and it is the opinion of the majority of the Committee that further study is not required at this time. Vote 8-4.

Rep. Rodeschin yielded to questions.

Adopted.



**SB 441-FN-A**, establishing a statewide enhanced 911 system and continually appropriating a special fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles C. Vogler for Science, Technology and Energy: This bill would establish a statewide Enhanced "911" emergency response system similar to that in 39 other states. Calls to the "911" system would be routed to a central State-run command post which would direct the appropriate local emergency response service to the scene. The "Enhanced" portion of the system would automatically provide caller identification and location through the telephone company data base. The "911" system would be funded through a surcharge on each telephone line in the state; with a cost, which when fully operational, of about 60 cents/month/line. The Committee strongly supports this potentially life-saving legislation. Vote 9-2.

5614L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

establishing a statewide enhanced 911 system, continually appropriating a special fund and making an appropriation for initial costs of the system.

Amend RSA 106-H:3, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established an enhanced 911 services commission consisting of 13 members, including the chief of the bureau of emergency medical service or designee, the chairman of the public utilities commission or designee, a representative of the department of safety, a public member, a police officer experienced in responding to emergency calls, a firefighter, and one active member recommended by each of the following organizations, nominated by the governor with the approval of the council:

- (a) New England Telephone Company.
- (b) New Hampshire Association of Fire Chiefs.
- (c) New Hampshire Association of Chiefs of Police.
- (d) New Hampshire Federation of Fire Mutual Aids.
- (e) New Hampshire Municipal Association.
- (f) New Hampshire Sheriffs Association.
- (g) New Hampshire Telephone Association.

Amend RSA 106-H:5, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Prepare and submit to the commissioner of safety a budget for the commission's operations which shall be included in the department of safety's budget.

Amend RSA 106-H:9 as inserted by section 1 of the bill by replacing it with the following:

106-H:9 Funding; Fund Established.

I. The enhanced 911 system shall be funded through a surcharge to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, trunks and lines serving cellular communications towers in the state, and semi-public coin and public access lines. The surcharge shall be contained within tariffs filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company. Each local exchange telephone company shall remit the surcharge amounts on a monthly basis to the enhanced 911 services commission, which shall be forwarded to the state treasurer for deposit in the enhanced 911 services commission fund. Such fund shall be continually appropriated to

the commission and shall not lapse. The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services, in accordance with the terms of this chapter. Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs shall be filed with the public utilities commission reflecting the surcharge amount.

II. Imposition of the enhanced 911 services surcharge shall begin not later than 4 months from the approval of the budget, in order to provide adequate funding for the development of the enhanced 911 data base and other operations necessary to the development of the enhanced 911 system.

Amend RSA 6:12, I(vv) as inserted by section 2 of the bill by replacing it with the following:

(vv) Moneys received under RSA 106-H which shall be credited to the enhanced 911 services commission fund established in RSA 106-H:9.

Amend the bill by replacing all after section 4 with the following:

5 Salary. Amend RSA 94:1-a, I by inserting in group M, executive director, enhanced 911 services commission.

6 Enhanced 911 Services Added. Amend RSA 508:12-a, III to read as follows:

III. No person or corporation shall be liable in any suit for civil damages who, in good faith and without willful or wanton negligence[,] **receives, develops, collects or processes information for the enhanced 911 data base, relays or transfers enhanced 911 services or** provides emergency telephone and radio communications for ambulance, police and fire departments.

7 Appointments. Appointments to the enhanced 911 services commission established pursuant to RSA 106-H:3 as inserted by section 1 of this act shall be made within 30 days of the effective date of this section.

8 Initial Operations; Appropriation.

I. For the purposes of initiating the enhanced 911 system, the commission shall submit an initial budget to the legislative fiscal committee for final approval.

II. The executive director, and such other staff as are appropriate, shall be appointed pursuant to RSA 106-H:6 and shall be hired for the purposes of initiating the enhanced 911 system.

III. For the purposes of initiating the system, the governor is authorized to draw his warrant from funds not otherwise appropriated, in an amount not to exceed \$100,000, and any expenditures pursuant to this section shall be reimbursed to the general fund, notwithstanding RSA 106-H:9, once sufficient funds have been collected pursuant to RSA 106-H:9.

9 Effective Date.

I. RSA 106-H:12 and 106-H:13 as inserted by section 1 of this act shall take effect January 1, 1993.

II. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a coordinated statewide enhanced 911 system which will use the digits 911 as the primary emergency number. The 911 system is to be funded through a surcharge which will be levied on each residence and business telephone.

The bill makes an appropriation for the initial costs of the 911 system.

This bill resulted from the study committee established under 1991, 9.

Rep. Salatiello spoke in favor and yielded to questions.

Adopted.

Report adopted.

Referred to Appropriations.

**SB 329**, authorizing the New Hampshire housing finance authority to assist tenants when a manufactured housing park is undergoing condominium conversion. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Lowell D. Apple for the Majority of State Institutions and Housing: The New Hampshire Housing Finance Authority in the past has assisted in the financing of 12 mobile home parks. This is an instance of "if it ain't broke, don't fix it." Vote 7-5.

Rep. John J. Coffey for the Minority of State Institutions and Housing: While it is not disputed that the New Hampshire Housing Finance Authority has authority to make loans where tenants in a mobile home park face condominium conversion, the Minority believes it imprudent to leave tenants in such situation without having standards in place so that tenants will not be left "high and dry."

Majority report adopted.

**SB 387**, authorizing legally constituted boards and commissions which are created for the purpose of state historic site restoration the option of retaining ownership of any historic site furnishings which they acquire with other than state funds. OUGHT TO PASS.

Rep. Arthur Tufts for State Institutions and Housing: This bill grants any legally constituted board or commission, created for the purpose of state historic site restoration, the option of retaining any property that is acquired for historic site furnishings as long as such property is not acquired with state funds. This bill is a request of the Division of Parks and Recreation, Department of Resources and Economic Development. Vote 11-2.

Adopted.

Ordered to third reading.

**SB 405-FN**, relative to driver attitude training for repeat and habitual offenders. OUGHT TO PASS WITH AMENDMENT.

Rep. Andrew Christie, Jr. for Transportation: This bill requires motor vehicle habitual offenders, other than persons revoked by DWI, and certain other motor vehicle violators ordered by the court or a hearings officer to attend Driver Attitude Training Program at their expense with the hope of reducing accidents and insurance rates. The Committee had mixed feelings on this bill, but the majority felt that a Driver Attitude Training Program was worthwhile. Vote 8-6.

5588L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Driver Attitude Program. Amend RSA 263 by inserting after section 56-d the following new section:

263:56-e Driver Attitude Training.

I. Except as provided in paragraph II, the commissioner shall require proof of successful completion of the driver attitude program described in paragraph III before restoring the license of any person who has:

(a) Been ordered to complete the driver attitude program by the justice of a district court.

(b) Been ordered, after an administrative hearing before the department concerning his driving record, to complete a driver attitude program.

(c) Had his license revoked pursuant to RSA 262:18-26.

II. The commissioner may waive the provisions of paragraph I if:

(a) There are no programs offered within a reasonable proximity of the person's residence.

(b) There are no programs offered during the approximate period of time when the person would otherwise be eligible for restoration of the license.

(c) The person has successfully completed a program required by RSA 263:65-a at approximately the same time he would have been required to take the driver attitude program.

III. The commissioner shall approve the driver attitude programs required by this section in the same manner as the driver improvement programs are approved pursuant to RSA 263:56. Any person who successfully completes a driver attitude program shall receive a point reduction in the same manner as provided for driver improvement programs under RSA 263:56. The commissioner shall establish the maximum fee to be charged for enrollment in a driver attitude program under this section.

2 New Subparagraph; Rulemaking. Amend RSA 21-P:14, IV by inserting after subparagraph (p) the following new subparagraph:

(q) Approval of driver attitude programs and fee as provided in RSA 263:56-e.

3 Application. The provisions of RSA 263:56-e as inserted by section 1 of this act shall only apply to a person whose license has been revoked or suspended on or after the effective date of section 1 of this act.

4 Repeal. RSA 263:56-e, relative to driver attitude training, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 1995.

II. The remainder of this act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill authorizes the commissioner of safety to require proof of successful completion of a driver attitude program before license restoration of habitual offenders and others. This bill also authorizes the commissioner to approve driver attitude programs.

Adopted.

Report adopted.

Ordered to third reading.

**HB 1502**, relative to a non-binding state referendum question concerning a personal income tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N. Jasper for Ways and Means: This bill provides a mechanism for the voters to express their opinion directly on the issue of an income tax. Since the next Legislature will be facing a sizeable revenue shortfall, as well as continuing demands for property tax relief, the majority believes it would be helpful to know if our constituents consider an income tax as an acceptable revenue source. Voters will be asked if they oppose an income tax, favor an income tax without restriction, or favor an income tax on the condition that at least 75 percent of the money is guaranteed to be returned to cities, towns and school districts. We have provided what we believe is a well-balanced explanation of each question so that the voter will be better able to understand the implications of each choice. While the referendum is not legally binding, it will certainly provide clear direction for lawmakers in 1993. Vote 12-7.



5633L

**Amendment**

Amend subparagraphs II(b) and (c) as inserted by section 1 of the bill by replacing them with the following:

(b) I favor a state tax on personal income without restriction. (By selecting this choice you are indicating that you favor a state income tax, but wish to allow the legislature to determine both the tax rate and how the revenue raised will be used.)

(c) I favor a state tax on personal income, provided that at least 75 percent of the revenue raised from such a tax shall be returned to the cities, towns, and school districts. (By selecting this choice, you are indicating that you favor an income tax with the tax rate set by the legislature, but wish to guarantee that at least 75 percent of revenue raised is used for local purposes. Property taxes may go up or down, depending on local government decisions. The formula for returning these funds to local government will be determined by the legislature.)

**AMENDED ANALYSIS**

This bill requires a 3-part non-binding referendum question concerning a personal income tax to be placed on the November, 1992 general election ballot.

Adopted.

Reps. David Young and Welch offered a floor amendment.

5685L

**Floor Amendment**

Amend subparagraph II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) I favor a state tax on personal income, provided that at least 75 percent of the revenue raised from such a tax shall be returned to the cities, towns, and school districts. (By selecting this choice, you are indicating that you favor an income tax with the tax rate set by the legislature, but wish to guarantee that at least 75 percent of revenue raised is used for local purposes. Property taxes may go up or down, depending on local government decisions. The formula for returning these funds to local government will be determined by the legislature. Depending on the distribution formula chosen by the legislature, each community may or may not receive 75 percent of the revenues raised in that community.)

Reps. Young, Welch and Donna Sytek spoke in favor.

Reps. Domaingue and Nielsen spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

**YEAS 149****NAYS 189****YEAS 149  
BELKNAP**

Hawkins, Robert S.  
Salatiello, Thomas B.

Rice, Thomas E. P., Jr.  
Zaharchuk, Peter J., Jr.

Rosen, Ralph J.

**CARROLL**

Beach, Mildred A.  
Jean, Robert R.

Bradley, Jeb E.  
Saunders, Howard N.

Dickinson, Howard C.  
Wiggin, Allen R.

**CHESHIRE**

Champagne, Richard L.  
Feuer, Joseph N.

Clark, Eugene W.  
Foster, Katherine D.

Doucette, Richard F.  
Grodin, Richard A.

Hogan, James B.  
 Lynch, Margaret A.  
 Riley, William A.

Hunt, John B.  
 Mohr, Frederick C., Jr.  
 Young, David A.

Kingsbury, H. Thayer  
 Pearson, Gertrude B.

### COOS

Hawkinson, Marie C.  
 Merrill, Gerald P.

Horton, Lynn C.  
 Nelson, Harold D.

Kilbride, Dennis J.  
 Pratt, Leighton C.

### GRAFTON

Adams, Carl S.  
 Chambers, Mary P.  
 Shackett, Ralph E.  
 Wadsworth, Karen O.

Brown, Channing T.  
 Guest, Robert H.  
 Stewart, Roger D.  
 Ward, Kathleen W.

Brown, Patricia B.  
 Lougee, Richard W.  
 Trelfa, Richard T.  
 White, Paul R.

### HILLSBOROUGH

Ahrens, Frederick G.  
 Burke, Stephen J.  
 Cowenhoven, Garret P.  
 Dwyer, Patricia R.  
 Ferlan, Arthur P.  
 Green, Scott E.  
 Holden, Carol H.  
 Jasper, Shawn N.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 McCann, Bonnie Lou  
 Murphy, Robert E.  
 Record, Alice B.  
 Searles, Stanley N., Sr.

Alukonis, David J.  
 Clemons, Jane A.  
 Daigle, Robert A.  
 Dyer, Merton S.  
 Ford, Nancy M.  
 Haettenschwiller, Alphonse  
 Hultgren, David D.  
 Jordan, Mary H.  
 Kurk, Neal M.  
 Lown, Elizabeth D.  
 Mercer, Robert S.  
 O'Rourke, Joanne A.  
 Riley, Frances L.  
 Soucy, Donna M.

Baker, George H., Sr.  
 Cote, David E.  
 Daniels, Gary L.  
 Ferguson, Charles  
 Goulet, Maurice E.  
 Hall, Betty B.  
 Janas, Gregory  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lozeau, Donnalce M.  
 Messier, Irene M.  
 Packard, Bonnie B.  
 Sallada, Roland A.  
 Tarpley-Bamberger, Nancy L.

### MERRIMACK

Asplund, Bronwyn L.  
 Fillion, Paul R.  
 Hill, Michael J.  
 Lockwood, Robert A.  
 Teague, Bert  
 Whittemore, James A.

Christie, Thomas J.  
 Gross, Caroline L.  
 Holmes, Mary C.  
 Millard, Elizabeth S.  
 Trombly, Rick A.

Feuerstein, Martin  
 Hager, Elizabeth S.  
 Kidder, William F.  
 Nichols, Avis B.  
 Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
 Christie, Andrew, Jr.  
 Flanders, David A.  
 Hynes, Carolyn E.  
 Klemarczyk, Thaddeus E.  
 Rosencrantz, James R.  
 Seward, Russell G.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Welch, David A.

Bell, Juanita L.  
 Connell, David R.  
 Hoar, John, Jr.  
 Johnson, Robert A.  
 MacKinnon, Nancy W.  
 Roulston, Donald L.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Thayer, Leroy C.  
 Weyler, Kenneth L.

Campbell, Marilyn R.  
 DiPietro, Carmela M.  
 Hutchinson, Karen K.  
 Kane, Cecelia D.  
 McKinney, Betsy  
 Senter, Marilyn P.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Vaughn, Charles L.  
 Woods, Deborah L.

**STRAFFORD**

Corte, Arthur B.  
Jankowski, Peter M.  
McCann, William H., Jr.  
Sullivan, Henry P.

Flynn, Edward J.  
Kincaid, William K.  
O'Brien, John  
Young, John B.

Frechette, Roland A.  
Marston, Robert E.  
Pelley, Janet R.

**SULLIVAN**

Allison, David C.  
Domini, Irene C.  
Stamatakis, Carol M.

Behrens, Thomas A.  
Lindblade, Eric N.

Burling, Peter Hoe  
Porter, Robert H.

**NAYS 189****BELKNAP**

Bartlett, Gordon E.  
Golden, Paul A.  
Joscelyn, William W.  
Turner, Robert H.

Cain, Thomas G.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Shibley, Arnold P.  
Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.  
Foster, Robert W.

Chandler, Gene G.  
Wiggin, Gordon E.

Daly, Robert J., Jr.

**CHESHIRE**

Burnham, Daniel M.  
Crutchley, Donald O.  
Laurent, John J.

Cole, Kenneth A.  
DePecol, Benjamin J.  
Perry, David M.

Cole, Stacey W.  
Kennison, Wayne A.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Marsh, Beaton  
Theriault, Romeo J.

Coulombe, Henry W.  
Mayhew, Josephine

**GRAFTON**

Arnesen, Deborah L.  
Dow, David  
Markley, J. Keith  
Scanlan, David M.

Christy, C. Dana  
Driscoll, William J.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

Copenhaver, Marion L.  
Hill, Richard L.  
Nielsen, Niels F., Jr.

**HILLSBOROUGH**

Ackerman, Philip M.  
Arnold, Barbara E.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Crotty, Edward J.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Gagnon, Eugene L.  
Hanselman, Gregory L.  
Jean, Romeo W.  
King, Frank P.  
Lawrence, Norman B.  
Mason, Howard F.

Amidon, Eleanor H.  
Asselin, Robert P.  
Bowers, Dorothy C.  
Carpenter, Karen A.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Greenglass, Alan B.  
Healy, Daniel J.  
Johnson, Lionel W.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
McDowell, James E.

Andrews, Frederick B.  
Baldizar, Barbara J.  
Buckley, Raymond  
Chasse, Richard D.  
Desrosiers, William J.  
Donovan, Francis X.  
Durham, Susan B.  
Fields, Dennis H.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Keane, Cornelius J.  
Lawrence, Eva M.  
Martin, Mary Ellen  
McNerney, Daniel P.

McRae, Karen K.  
Ouellette, Robert O.  
Rheault, Lillian I.  
Rothhaus, Finlay C.  
Tate, Joan C.  
Wheeler, David K.  
Wright, George W.

Moore, Elizabeth A.  
Pepino, Leo P.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Turgeon, Roland M.  
Wheeler, Robert L.

Nardi, Theodora P.  
Peters, Stanley W.  
Rodgers, G. Philip  
Stiles, Walter A.  
Upton, Barbara A.  
White, John M.

### MERRIMACK

Apple, Lowell D.  
Braiterman, Thea  
Chandler, John P.  
Fair, Patricia A.  
Jacobson, Alf E.  
Letourneau, George E.  
Soldati, Jennifer G.  
Yeaton, Charles B.

Barberia, Richard A.  
Carter, Susan D.  
Daneault, Gabriel J.  
Gilbreth, Robert M.  
Johnson, C. William  
Lewis, Mary Ann  
Stio, Peter M.

Boucher, Laurent J.  
Chandler, Earle W.  
Dunn, Miriam D.  
Hall, Douglas E.  
Johnson, Joyce M.  
Smith, Gerald R.  
Wallner, Mary Jane

### ROCKINGHAM

Benton, Richardson D.  
Clark, Martha Fuller  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Ford, Bert H.  
Griebsch, Linda  
Katsakiores, Phyllis  
Lovejoy, Virginia K.  
McCain, William F.  
Melnick, Roy E.  
Raynowska, Bernard J.  
Smith, Arthur W.  
Wells, Henry E.

Boucher, William P.  
Conroy, Janet M.  
Dube, LeRoy S.  
Flanders, Harry E.  
Gage, Beverly A.  
Hoelzel, Kathleen M.  
Keith, Brenda E.  
MacDonald, Joseph A.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Rubin, George R.  
Tufts, Arthur

Caswell, Albert, Jr.  
Cote, Patricia L.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Greene, Elizabeth A.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
Malcolm, Kenneth W.  
McGovern, Cynthia A.  
Palazzo, Frank J.  
Schmidtchen, Rowland H.  
Warburton, Calvin

### STRAFFORD

Bickford, Drucilla  
Foss, Patricia H.  
Keans, Sandra B.  
Merrill, Amanda A.  
Spencer, Leo J.  
Tsiros, William

Brown, Julie M.  
Gilmore, Gary R.  
Kinney, Paula J.  
Messier, Donald R.  
Torr, Ann M.  
Wall, Janet G.

Douglass, Clyde J.  
Hashem, Elaine M.  
Knowles, William V.  
Nehring, William H.  
Torr, Ralph W.  
Wheeler, Katherine W.

### SULLIVAN

Flint, Gordon B.  
Peyron, Fredrik  
Walsh, Robert R.

Krueger, Richard H.  
Rodeschin, Beverly T.

Middleton, John A.  
Schotanus, Merle W.

and the floor amendment failed.

Rep. Teague offered a floor amendment.



5695L

**Floor Amendment**

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. The wording of the referendum shall be as follows: "Non-Binding Referendum. This referendum is intended to seek out the opinion of the electorate on the issue of a state income tax. The results will be advisory and non-binding on the legislature.

Please choose only one of the following (choosing more than one will invalidate your vote):

(a) I favor a state tax on personal income, provided that at least 75 percent of the revenue raised from such a tax shall be returned to the cities, towns, and school districts. (By selecting this choice, you are indicating that you favor an income tax, but wish to guarantee that at least 75 percent of revenue raised is used for local purposes to offset or augment property tax revenues. The formula for returning these funds to local government will be determined by the legislature.)

(b) I oppose a state tax on personal income. (By selecting this choice, you are indicating your opposition to the enactment of a state income tax no matter how funds raised by such a tax would be used.)

(c) I favor a state tax on personal income without restriction. (By selecting this choice you are indicating that you favor a state income tax, but wish to allow the legislature to determine how the revenue raised will be used.)

**AMENDED ANALYSIS**

This bill requires a 3-part non-binding referendum question concerning a personal income tax to be placed on the November, 1992 general election ballot.

Rep. Teague spoke in favor and yielded to questions.

Rep. Donna Sytek spoke against.

The floor amendment failed.

Rep. Lefebvre spoke against the bill.

Rep. Donna Sytek spoke to the bill.

**LAID ON THE TABLE**

Rep. Jasper moved that **HB 1502**, relative to a non-binding state referendum question concerning a personal income tax be laid on the table.

Adopted.

**REGULAR CALENDAR (continued)**

**SB 371**, establishing a committee to study the feasibility of year round schools. **UGHT TO PASS.**

Rep. Nils H. Larson for Education: We need a beginning on the year-round school issue. This bill forms a committee to start the process, to define the terms and explore the issues. A broadening of the people involved should come later, but this committee will define the issues and the options. Vote 17-0.

Rep. Skinner offered a floor amendment.

5635L

**Floor Amendment**

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted.

Ordered to third reading.

**SB 334-FN-A**, authorizing the division of public health services to carry out a rabies surveillance to identify and gauge the threat to the public's health. **OUGHT TO PASS.**

Rep. Marilyn P. Senter for Health, Human Services and Elderly Affairs: After acting on the bill, the Committee discussed further information regarding the spread of this particular virulent strain of rabies. Additionally the Committee voted to propose a Committee floor amendment to create a study committee to look into the problem of pet overpopulation as it applies to this serious threat to the public health. Vote 13-0.

Adopted.

Referred to Appropriations.

**SB 444**, relative to the definition of ski craft. **REFER FOR INTERIM STUDY.**

Rep. George N. Katsakiores for Transportation: The Subcommittee spent over three hours discussing this bill with and without members of Resources, Recreation and Development Subcommittee, along with lobbyists. The Subcommittee felt strongly that study was needed on the whole subject of "watercraft" and that much additional information was needed to make an intelligent judgment with regard to the place of watercraft on our waters. The Committee agreed with the recommendations of the Subcommittee by a vote of 13-0.

#### **MOTION FOR SPECIAL ORDER**

Rep. Hoar moved that **SB 444**, relative to the definition of ski craft, be made a Special Order for Thursday, April 16, 1992 and spoke in favor.

Rep. Markley spoke against.

Rep. Dickinson spoke in favor.

The motion failed.

Rep. Bradley moved that the words Inexpedient to Legislate be substituted for the report of the Committee, Refer For Interim Study, and spoke in favor.

Reps. Sherman Packard and George Katsakiores spoke against and yielded to questions.

Reps. William Riley and Dickinson spoke in favor.

Rep. Stewart spoke against.

#### **MOTION TO LAY ON THE TABLE**

Rep. Schotanus moved that **SB 444**, relative to the definition of ski craft, be laid on the table.

On a division vote, 133 members having voted in the affirmative and 192 in the negative, the motion failed.

Rep. Markley spoke against the substitute motion.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 152**

**NAYS 179**

**YEAS 152  
BELKNAP**

Campbell, Richard H., Jr. Golden, Paul A.  
Maviglio, Steven R. Rosen, Ralph J.  
Shibley, Arnold P. Turner, Robert H.  
Ziegler, Alice S.

Johnson, Carl R.  
Salatiello, Thomas B.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Beach, Mildred A.  
Dickinson, Howard C.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Foster, Robert W.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
Doucette, Richard F.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Pearson, Gertrude B.

Champagne, Richard L.  
Cole, Stacey W.  
Feuer, Joseph N.  
Hunt, John B.  
Laurent, John J.  
Perry, David M.

Clark, Eugene W.  
Crutchley, Donald O.  
Foster, Katherine D.  
Kennison, Wayne A.  
Metzger, Katherine H.  
Riley, William A.

**COOS**

Brungot, Catherine V.

Buckley, C. Fitzgerald

Pratt, Leighton C.

**GRAFTON**

Arnesen, Deborah L.  
Copenhaver, Marion L.

Brown, Patricia B.  
Scanlan, David M.

Chambers, Mary P.  
Teschner, Douglass P.

**HILLSBOROUGH**

Ackerman, Philip M.  
Andrews, Frederick B.  
Donovan, Francis X.  
Dyer, Merton S.  
Fields, Dennis H.  
Goulet, Maurice E.  
Hanselman, Gregory L.  
Keane, Cornelius J.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Paquette, Rodolphe G.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Wheeler, David K.

Alukonis, David J.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Fenton, James J.  
Ford, Nancy M.  
Haettenschwiller, Alphonse  
Hultgren, David D.  
Kurk, Neal M.  
Martin, Mary Ellen  
Mercer, Robert S.  
Peters, Stanley W.  
Sallada, Roland A.  
Tarpley-Bamberger, Nancy L.  
Wright, George W.

Amidon, Eleanor H.  
Desrosiers, William J.  
Durham, Susan B.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Hall, Betty B.  
Jasper, Shawn N.  
Lawrence, Norman B.  
Mason, Howard F.  
Moore, Elizabeth A.  
Rheault, Lillian I.  
Searles, Stanley N., Sr.  
Upton, Barbara A.

**MERRIMACK**

Apple, Lowell D.  
Carter, Susan D.  
Fillion, Paul R.  
Holmes, Mary C.  
Letourneau, George E.  
Nichols, Avis B.  
Yeaton, Charles B.

Asplund, Bronwyn L.  
Daneault, Gabriel J.  
Gilbreth, Robert M.  
Jacobson, Alf E.  
Lewis, Mary Ann  
Soldati, Jennifer G.

Barberia, Richard A.  
Feuerstein, Martin  
Hall, Douglas E.  
Kidder, William F.  
Millard, Elizabeth S.  
Whittemore, James A.

**ROCKINGHAM**

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Connell, David R.  
Griebsch, Linda  
Lovejoy, Virginia K.  
Roulston, Donald L.

Bell, Juanita L.  
Caswell, Albert, Jr.  
Conroy, Janet M.  
Hoar, John, Jr.  
Palazzo, Frank J.  
Schmidtchen, Rowland H.

Boucher, William P.  
Clark, Martha Fuller  
Dowd, Sandra K.  
Hynes, Carolyn E.  
Raynowska, Bernard J.  
Skinner, Patricia M.

Syracusa, Anthony  
Welch, David A.  
Woods, Deborah L.

Terninko, Margaret B.  
Wells, Henry E.

Vaughn, Charles L.  
Weyler, Kenneth L.

### STRAFFORD

Bickford, Drucilla  
Douglass, Clyde J.  
Keans, Sandra B.  
McCann, William H., Jr.  
Pelley, Janet R.  
Young, John B.

Brown, Julie M.  
Hashem, Elaine M.  
Kinney, Paula J.  
Merrill, Amanda A.  
Spencer, Leo J.

Corte, Arthur B.  
Jankowski, Peter M.  
Marston, Robert E.  
Nehring, William H.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Middleton, John A.

Flint, Gordon B.  
Porter, Robert H.

Lindblade, Eric N.  
Schotanus, Merle W.

### NAYS 179 BELKNAP

Bartlett, Gordon E.  
Holbrook, Robert G.  
Zaharchuk, Peter J., Jr.

Cain, Thomas G.  
Joscelyn, William W.

Hawkins, Robert S.  
Rice, Thomas E. P., Jr.

### CARROLL

Chandler, Gene G.

Jean, Robert R.

Wiggin, Allen R.

### CHESHIRE

DePecol, Benjamin J.  
Mohr, Frederick C., Jr.

Hogan, James B.  
Young, David A.

Lynch, Margaret A.

### COOS

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Therault, Romeo J.

Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.

### GRAFTON

Adams, Carl S.  
Dow, David  
Hill, Richard L.  
Markley, J. Keith  
Shackett, Ralph E.  
Wadsworth, Karen O.

Brown, Channing T.  
Driscoll, William J.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Stewart, Roger D.  
Ward, Kathleen W.

Christy, C. Dana  
Guest, Robert H.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.  
White, Paul R.

### HILLSBOROUGH

Ahrens, Frederick G.  
Baker, George H., Sr.  
Buckley, Raymond  
Carpenter, Karen A.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Drolet, Paul L.  
Ferguson, Charles  
Gureckis, Adam C., Sr.  
Holden, Carol H.

Arnold, Barbara E.  
Baldizar, Barbara J.  
Burke, Stephen J.  
Chasse, Richard D.  
Crotty, Edward J.  
Dodge, Emma M.  
Elliott, Larry G.  
Green, Scott E.  
Healy, Daniel J.  
Janas, Gregory

Asselin, Robert P.  
Bowers, Dorothy C.  
Calawa, Leon, Jr.  
Cote, David E.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Emerton, Lawrence A.  
Greenglass, Alan B.  
Healy, Walter F.  
Jean, Romeo W.



Johnson, Lionel W.  
King, Frank P.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
McNerney, Daniel P.  
Murphy, Robert E.  
Ouellette, Robert O.  
Riley, Frances L.  
Soucy, Donna M.  
Turgeon, Roland M.  
White, John M.

Kelley, Dana F.  
L'Heureux, Robert J.  
Lawrence, Eva M.  
Lozeau, Donnalee M.  
McRae, Karen K.  
Nardi, Theodora P.  
Packard, Bonnie B.  
Rodgers, G. Philip  
Stiles, Walter A.  
Vanderlosk, Stanley R.

Kelley, Robert N.  
Lachut, Ervin R.  
Leclerc, Charles J.  
McDowell, James E.  
Messier, Irene M.  
O'Rourke, Joanne A.  
Record, Alice B.  
Rothhaus, Finlay C.  
Tate, Joan C.  
Wheeler, Robert L.

### MERRIMACK

Boucher, Laurent J.  
Chandler, John P.  
Fair, Patricia A.  
Hill, Michael J.  
Lockwood, Robert A.  
Trombly, Rick A.

Braiterman, Thea  
Christie, Thomas J.  
Gross, Caroline L.  
Johnson, C. William  
Stio, Peter M.  
Wallner, Mary Jane

Chandler, Earle W.  
Dunn, Miriam D.  
Hager, Elizabeth S.  
Johnson, Joyce M.  
Teague, Bert  
Weeks, John F., Jr.

### ROCKINGHAM

Benton, Richardson D.  
DiPietro, Carmela M.  
Flanagan, Natalie S.  
Flanders, John W., Sr.  
Greene, Elizabeth A.  
Hutchinson, Karen K.  
Katsakiores, George N.  
Klemarczyk, Thaddeus E.  
Malcolm, Kenneth W.  
McGovern, Cynthia A.  
Packard, Sherman A.  
Senter, Marilyn P.  
Smith, Arthur W.  
Warburton, Calvin

Christie, Andrew, Jr.  
Dube, LeRoy S.  
Flanders, David A.  
Ford, Bert H.  
Hoelzel, Kathleen M.  
Johnson, Robert A.  
Katsakiores, Phyllis  
MacDonald, Joseph A.  
McCain, William F.  
McKinney, Betsy  
Rosencrantz, James R.  
Seward, Russell G.  
Sytek, Donna P.

Cote, Patricia L.  
Felch, Charles H., Sr.  
Flanders, Harry E.  
Gage, Beverly A.  
Hurst, Sharleene P.  
Kane, Cecelia D.  
Keith, Brenda E.  
MacKinnon, Nancy W.  
McCarthy, John J., Jr.  
Melnick, Roy E.  
Rubin, George R.  
Simon, Peter M.  
Sytek, John J.

### STRAFFORD

Flynn, Edward J.  
Kincaid, William K.  
Sullivan, Henry P.  
Tsiros, William

Foss, Patricia H.  
Knowles, William V.  
Torr, Ann M.  
Wall, Janet G.

Frechette, Roland A.  
O'Brien, John  
Torr, Ralph W.

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
and the motion failed.  
Referred for Interim Study.

Burling, Peter Hoe  
Walsh, Robert R.

Domini, Irene C.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all

bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet April 16, 1992 at 1:00 p.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**SB 383**, establishing a committee to recommend to the state board of education different methods of obtaining information on persons convicted of any felony involving child abuse.

**SB 418**, changing the title of juvenile services officers to juvenile probation-parole officers.

**SB 377-FN**, relative to penalties for mortgage brokers who fail to file annual reports.

**SB 381**, relative to interest on escrow accounts.

**SB 340-FN**, clarifying the definition of a school district.

**SB 429**, relative to selecting engineers, architects, and surveyors by state agencies.

**SB 342**, relative to resisting arrest or detention.

**SB 426-FN**, establishing a task force to develop a strategy to train police and prosecutors to successfully prevent, investigate and prosecute sexual assault cases.

**SB 343**, relative to reconsideration of town meeting and school district meeting votes.

**SB 311**, exempting certified fire investigators and certain towing companies from licensure under the detective agencies and securities services act, changing the qualification for fire investigators and changing the date for renewal or reinstatement of private detective licenses.

**SB 316**, establishing a committee to study cable television rates and the possibility of introducing competition into the marketplace in order to lower rates.

**SB 432-FN**, relative to motorcycle noise level limits.

**SB 324**, establishing a commission on the family and permitting Jewish Rabbis who are not citizens of the United States to solemnize marriages.

**SB 321**, repealing an exemption for town clerks relative to voter registration.

**SB 391**, relative to the use of surplus campaign contributions by candidates for state office.

**SB 399-FN-L**, requiring rabies shots for cats.

**SB 467-FN-L**, changing the interest rates on delinquent property taxes and subsequent taxes and requiring a certificate of tax payment prior to the moving of a building or structure.

**SB 375**, allowing the division of parks and recreation to give rewards for information leading to the recovery of stolen division property.

**SB 428-FN**, designating segments of the Connecticut River for the rivers management program and allowing existing hydroelectric facilities to maintain operations.

**SB 387**, authorizing legally constituted boards and commissions which are created for the purpose of state historic site restoration the option of retaining ownership of any historic site furnishings which they acquire with other than state funds.

**SB 405-FN**, relative to driver attitude training for repeat and habitual offenders.

**SB 371**, establishing a committee to study the feasibility of year round schools.

**SUSPENSION OF RULES**

Rep. Hager moved that the rules be so far suspended as to permit hearings on those bills referred to the Committee on Appropriations by today's floor action and spoke in favor.

Adopted by the necessary two-thirds.

**BRIEFING**

Rep. Donna Sytek addressed the House on Revenue Estimates and yielded to questions.

Rep. LaMott yielded to questions.

**SENATE MESSAGES****REQUESTS CONCURRENCE WITH AMENDMENT**

**HB 1025**, relative to budget adjustments for fiscal years 1992 and 1993. (Amendment printed SJ 12, 3/26/92)

Rep. Hager moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gross, Hager, Burns, Channing Brown and Chambers. Alternates: Reps. Schotanus, Douglas Hall and Nardi

**CONCURRENCE**

**HB 1108**, authorizing valid living wills executed in other states to be recognized in New Hampshire.

**HB 1110**, relative to the method of electing delegates to state party conventions.

**HB 1173**, allowing a beneficial interest owner of a trust owning real estate to qualify for property tax exemptions and credits and allowing the veterans' exemption for service in the Gulf War.

**HB 1187**, making it first degree assault to knowingly or recklessly cause serious bodily injury to a person under 13 years of age.

**HB 1192**, relative to remedies under the whistleblowers' protection act.

**HB 1213**, clarifying that notice of claim of paternity be filed prior to a mother's voluntarily relinquishing her rights pursuant to an adoption.

**HB 1217-FN**, requiring a peace officer to give written notice of certain charges to the county attorney.

**HB 1220-FN-L**, changing the method for calculating stumpage values for purposes of assessing the yield tax on timber.

**HB 1251**, relative to the observance of Memorial Day by school districts.

**HB 1327-FN**, prohibiting the state or any of its political subdivisions from requiring public assistance applicants to cross picket lines to apply for jobs.

**CONCURRENCE WITH AMENDMENTS**

**SB 360**, establishing a committee to study head injury cases in New Hampshire.

**SB 380**, relative to membership on planning boards in towns with the town council form of government.

**SB 398**, permitting the sale of red deer and elk venison.

**ENROLLED BILLS REPORT**

**HB 285**, relative to constructing regional vocational centers and making an appropriation therefor.

**HB 545**, reportioning the executive council districts.

**HB 562**, extending the surgical authority of podiatrists.

**HB 585**, recodifying the laws relative to emergency medical services.

**HB 714**, relative to life saver i.d. program.

**HB 726**, relative to fees charged for vital records.

**HB 1054**, relative to the industrial development authority.

**HB 1107**, requiring that tax collectors provide property owners with notices of arrearages for property taxes.

**HB 1118**, relative to membership of the permanent committee for barrier-free design.

**HB 1119**, relative to the New Hampshire automated information system board.

**HB 1122**, establishing a committee to study all areas of apple cider standards, licensing and labeling.

**HB 1209**, establishing a committee to study the real estate valuation and revaluation process.

**HB 1240**, establishing a committee to study criteria propose legislation concerning the secession of a portion of a municipality.

**HB 1243**, revising the Patients' Bill of Rights.

**HB 1251**, relative to the observance of Memorial Day by school districts.

**HB 1286**, allowing antique motor vehicles other than antique motorcycles to be registered at a prorated rate.

**HB 1323**, forming a study committee to develop a survey to be used by the department of education to collect and compile information regarding major school construction projects.

**HB 1341**, clarifying the terms "subsequent tax" and "registered" and "certified" mail for purposes of certain property tax laws.

**HB 1351**, creating a committee to review the laws governing tax-exempt property and to study the concept of and criteria for payment in lieu of taxes by tax-exempt properties in response to HBI 2 of the 1991 session.

**SB 303**, establishing a committee to study the various options available to fund and deliver medical benefits for state employees and relative to the funding methodology of the retirement system.

**SB 313**, relative to gender balance on boards and commissions.

**SB 323**, establishing a committee to study the issue of physician self-referrals.

**SB 326**, relative to the Lamprey solid waste district.

**SB 331**, relative to gender equity in athletics.

**SB 367**, authorizing the department of resources and economic development to sell the Nansen ski jump facility if no interest exists in the private sector to maintain and operate the facility.

**SB 368**, changing statutory references to automobile graveyards, motor vehicle junkyards and junk vehicles to include automotive recycling yards or vehicles.

**SB 386**, relative to the publications, specialty items and fund raising revolving fund of the fish and game department and authorizing certain fund raising by the department.

**SB 388**, relative to preserving utility licenses on municipal and state discontinued highways.

**SB 430**, relative to the establishment of regional offices for the vocational rehabilitation division.

Sen. Currier, Rep. Marsh, for the Committee



**UNANIMOUS CONSENT**

Rep. Eugene Clark moved that the remarks of Rep. Gross be printed in the Journal. Adopted.

Rep. Gross addressed the House by unanimous consent.

Thank you Mr. Speaker. I would like to read you a short list of names of members of the House. Richard Trelfa, Philip Rodgers, Fredrik Peyron, Bert Teague, Paul White, Patricia Dowling, Robert Porter, Charles Vaughn, Peter Burling, Marie Hawkinson, Bonnie Packard, Beaton Marsh, Arthur Klemm, William Tsiros, Mildred Beach, Robert Wheeler, David Cote, William McCann and Daniel Burnham.

When the Senate chose to take some twenty-odd separate Economic Development bills and combine them into three super bills that had to be acted on today in time to get to Appropriations, they created for this body, that did not until this year have an Economic Development Committee, an almost impossible task. We did not have the time to unravel those three super bills and send the separate pieces to the separate policy committees, among whom were the Commerce Committee, Municipal and County Government Committee, the Executive Departments and Administration Committee, the Public Works Committee and the Ways and Means Committee. In addition to grappling with these major new issues in Economic Development, this Committee had to coordinate with the other House policy committees on these bills and get a report to you in the Calendar in time for us to look at it today. With all the good intentions in the world, we were not sure that it could be done. They did it. On behalf of all of us I think we owe that Committee a vote of thanks.

Rep. Gross moved that the House stand in recess for the purpose of introduction of bills and enrolling reports only.

Adopted.

The House recessed at 5:40 p.m.

**RECESS****NOTICE OF RECONSIDERATION**

Having voted with the prevailing side, Rep. Warburton served notice that today, April 7, 1992, or some subsequent day as limited by the rules he will move that the House reconsider its action whereby it read a third time and passed **SB 321**, repealing an exemption for town clerks relative to voter registration.

Rep. C. Dana Christy moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 21

Thursday, April 16, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O Lord of life, who triumphs over death, open our eyes that we may see the needs of others, open our ears that we may hear their cries, open our hearts so that others may not be without comfort.

Let us be not afraid to defend the weak because of the anger of the strong, nor afraid to defend the powerless because of the anger of the powerful. Show us where love and faith and hope are needed and enable us this day to do some work of peace for You. Amen.

Rep. Robert Porter led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Parks, Stewart, Cornelius Keane, Buco, Martling, LaMar, Pageotte and Morse, the day, illness.

Reps. Coffey, Ruth Gage, Musler, Francis Riley, Oliver, Stamatakis, Markley, Tate, Lindblade, Crotty, Kidder, Weyler, Dwyer, Asselin and Lefebvre, the day, important business.

Reps. Norman Lawrence and Eva Lawrence, the day, death in the family.

Reps. Simon, Lynch, Irene Pratt and Appleby, the day, illness in the family.

### INTRODUCTION OF GUESTS

Mr. & Mrs. Robert Toppan, guests of Rep. Parr. Charles Blinn, Jr., guest of Rep. Senter. Kimberly and Sarah Horton, sister and niece of Rep. Raymond Buckley. Martha Teschner, wife of Rep. Teschner. Eighth grade class of the Berlin Middle School and Russ Nolin, teacher, guests of the Berlin Delegation. The Epping High School Class S state championship basketball team, Ryan Gatchell, Dan Phelps, T.J. Rowe, Carl Aspinwall, Bob Fauci, Jeff Piecuch, Mike Hanson, Matt Foley, Ritchie D'Eon, Nathan Phelps, Jessica Belcher, Justin Snyder, their coach and assistant coach, Brian Bourdon and Mike David, guests of Reps. Barnes, Hoelzel, Warburton and Hoar.

### COMMUNICATION

April 8, 1992

James Chandler, Clerk

Please be advised that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Hillsborough County District No. 29 (Nashua Ward 6)

Richard A. Soucy, d, Nashua (1 Lake Ave.) 03060

Hillsborough County District No. 30 (Nashua Ward 7)

Claudette R. Jean, d, Nashua (52 Burke St.) 03060

William M. Gardner, Secretary of State

### COMMITTEE AND SEAT ASSIGNMENTS

Rep. Claudette Jean was assigned to the Committee on Labor, Industrial and Rehabilitative Services and to seat 2-17.

Rep. Richard Soucy was assigned to the Committee on State Institutions and Housing and to seat 2-81

**ENROLLED BILLS REPORT**

**HB 1407**, repealing laws relative to abortion.

**HB 564**, enabling towns and cities to establish heritage commissions.

**HB 569**, to reapportion county commissioner districts.

**HB 1110**, relative to the method of electing delegates to state party conventions.

**HB 1108**, authorizing valid living wills executed in other states to be recognized in New Hampshire.

**HB 1144**, relative to the examination of school bus operators.

**HB 1173**, allowing a beneficial interest owner of a trust owning real estate to qualify for property tax exemptions and credits and allowing the veterans' exemption for service in the Gulf War.

**HB 1187**, making it first degree assault to knowingly or recklessly cause serious bodily injury to a person under 13 years of age.

**HB 1192**, relative to remedies under the whistleblowers' protection act.

**HB 1213**, clarifying that notice of claim paternity to be filed prior to a mother's voluntarily relinquishing her rights pursuant to an adoption.

**HB 1217**, requiring a peace officer to give written notice of certain charges to the county attorney.

**HB 1220**, changing the method for calculating stumpage values for purposes of assessing the yield tax on timber.

**HB 1327**, prohibiting the state or any of its political subdivisions from requiring public assistance applicants to cross picket lines to apply for jobs.

**SB 342**, relative to resisting arrest or detention.

**SB 359**, relative to expending moneys by the OHRV bureau for trial maintenance expenses.

**SB 380**, relative to membership on planning boards in towns with the town council form of government.

**SB 387**, authorizing legally constituted boards and commissions which are created for the purpose of state historic site restoration the option of retaining ownership of any historic site furnishings which they acquire with other than state funds.

**SB 391**, relative to the use of surplus campaign contributions by candidates for state office.

**SB 398**, permitting the sale of red deer and elk venison.

**SB 404**, relative to chiropractic practitioners and privileged communications.

**SB 432**, relative to motorcycle noise level limits.

Rep. Miriam Dunn, For the Committee

**ENROLLED BILLS AMENDMENT**

**HB 326**, relative to disciplinary hearings before the pharmacy board.

5761L

**Amendment**

Amend RSA 318:30-a as inserted by section 11 of the bill by replacing line 6 with the following:

and combined with a hearing notice which complies with RSA 318:31, II and

Adopted.

## SENATE MESSAGES

## ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 1025-A**, relative to budget adjustments for fiscal years 1992 and 1993.

The President appointed Sens. Dupont, Blaisdell and Hough. Alternates: Delahunty and Wayne King

## REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 1026**, relative to a companion bill to the supplemental budget. (Amendment printed SJ 12, 3/26/92)

Rep. Hager moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Channing Brown, LaMott, Marsh and Vaughn. Alternate: Rep. Schotanus.

**HB 1339**, requiring the division of human services to report certain obligors to consumer reporting agencies. (Amendment printed SJ 16, 4/9/92)

Rep. William McCain moved that the House concur.

Adopted.

**HB 1129**, designative the insurance department as the regulatory body for approval of motor vehicle warranty agreements. (Amendment printed SJ 17, 4/14/92)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Michael Hill, Krueger, Baker and Beverly Gage.

**HB 1142**, permitting the bank commissioner to delegate duties and responsibilities. (Amendment printed SJ 16, 4/9/92)

Rep. Foss moved that the House concur.

Adopted.

**HB 1175**, creating a committee to study medical liability insurance in New Hampshire. (Amendment printed SJ 16, 4/9/92)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Drolet, Richard Hill, Krueger, and Syracuse.

**HB 1191**, prohibiting insurance companies from nonrenewing a homeowner's policy solely on the basis that a claim has been filed. (Amendment printed SJ 16, 4/9/92)

Rep. Foss moved that the House concur.

Adopted.

**HB 1318**, repealing a provision of the business corporations act concerning application for reinstatement of charters and relative to the annual reports of beverage vendors and beverage vendor importers. (Amendment printed SJ 13, 3/31/92)

Rep. Foss moved that the House concur.

Adopted.

**HB 1222-FN-L**, authorizing schools to modify authorized regional enrollment area (AREA) agreements. (Amendment printed SJ 16, 4/9/92)

Rep. Skinner moved that the House concur.

Adopted.

**HB 1448**, relative to the loyalty oath for teachers. (Amendment printed SJ 16, 4/9/92)



Rep. Skinner moved that the House concur.

Adopted.

**HB 446-FN**, relative to the board of registration in medicine and relative to the definition of psychologist. (Amendment printed SJ 13, 3/31/92)

Rep. Ward moved that the House concur.

Adopted.

**HB 1186**, authorizing the department of fish and game to purchase the Morrill Pond dam and abutting property in the town of Canterbury. (Amendment printed SJ 13, 3/31/92)

Rep. Allen Wiggin moved that the House concur.

Adopted.

**HB 504-FN**, requiring licensure of medical utilization review entities. (Amendment printed SJ 16, 4/9/92)

Rep. Robert Foster moved that the House concur.

Adopted.

**HB 1374**, establishing a task force on women at risk for alcohol and other drug abuse during pregnancy. (Amendment printed SJ 16, 4/9/92)

Rep. Robert Foster moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Holmes, Amidon, Katherine Foster and Ziegra.

**HB 1353**, relative to civil recovery of damages for shoplifting. (Amendment printed SJ 15, 4/7/92)

Rep. Lown moved that the House concur.

Adopted.

**HB 1172**, increasing the amount of the homestead right. (Amendment printed SJ 17, 4/14/92)

Rep. Grodin moved that the House concur.

Adopted.

**HB 1315-L**, amending RSA 154 relative to firewards and firefighters, exempting fire investigators from having law enforcement backgrounds, extending the committee studying fire laws, and extending the state historic flag committee and making an appropriation to such committee. (Amendment printed SJ 13, 3/31/92)

Rep. Benton moved that the House concur.

Adopted.

**HB 1361**, establishing a committee to study state motor vehicle fleet management. (Amendment printed SJ 17, 4/14/92)

Rep. Gene Chandler moved that the House concur.

Adopted.

**HB 1471-FN**, changing the penalties for theft of timber from another person's land or for altering the mark of any mill log belonging to another person. (Amendment printed SJ 15, 4/7/92)

Rep. Dickinson moved that the House concur.

Adopted.

**HB 1164**, relative to seaplanes operating on bodies of water in New Hampshire. (Amendment printed SJ 13, 3/31/92)

Rep. Katsakiores moved that the House concur.

Adopted.

**HB 1166**, changing the definition of "commercial boat" for the purposes of boat registration and granting a muffler exemption for antique and classic boats. (Amendment printed SJ 13, 3/31/92)

Rep. Katsakiores moved that the House concur.

### CONCURRENCE

**HB 317-FN**, relative to a minimum service retirement allowance for group II members and making an appropriation for administrative costs.

**HB 470**, relative to health maintenance organizations.

**HB 632-FN**, relative to administrative due process hearings concerning special education disputes and establishing a committee to study alternative methods of dispute resolution for the special education of educationally disabled students.

**HB 1111**, relative to liquor and beverage licensees delinquent in paying accounts and relative to advertising liquor and beverages.

**HB 1115**, changing obsolete references within the liquor laws.

**HB 1124-L**, allowing a town to apply certain rental welfare assistance payments to certain amounts owed to a town for the assisted person's landlord's delinquent water, sewer, electricity or tax payments and relative to interest rates on security deposits.

**HB 1126**, allowing the public utilities commission to appoint a receiver or to take over the operations of any utility with annual revenues below \$2,000,000 which fails to provide adequate service.

**HB 1135**, relative to liquidation under the supervision of the bank commissioner.

**HB 1137**, relative to nondepository first mortgage bankers and brokers.

**HB 1139**, relative to persons licensed to offer second mortgage home loans.

**HB 1141**, relative to retail installment sales of motor vehicles.

**HB 1151**, establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital for certain state offices.

**HB 1153-FN-A**, authorizing the division of human services to assess an administrative fine on employers for failing to comply with an assignment order.

**HB 1154**, relative to an exemption for the sale of hypodermic syringes for school use.

**HB 1183-FN**, relative to the importation, propagation and possession of aquatic and wildlife species.

**HB 1196**, clarifying the amount to be paid from the firemen's relief fund in the event of a claim.

**HB 1201-FN**, relative to the license fee structure for domestic wine manufacturers.

**HB 1227-A**, decreasing the bonding authorized relative to the Manchester access ramp project.

**HB 1269-FN**, separating the AFDC standard of need from the AFDC payment standards and increasing the AFDC standard of need.

**HB 1342-A**, relative to the location and establishment of a state veterans' cemetery and making an appropriation therefor.

**HB 1350**, revising the laws that require a prescription to purchase a hypodermic needle.

**HB 1390**, providing a 5 percent cost of living adjustment for teacher members of the retirement system and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

**HB 1407**, repealing laws relative to abortion.

**HB 1429**, relative to accounting for land use change tax funds.

**HB 1449-FN**, relative to the cost of publishing school laws.

**HB 1451-FN**, relative to the transportation of pupils living within a certain distance from the school to which they are assigned.

**HB 1465-L**, relative to the taxation and transfer of restricted land.

**HB 1492-A**, eliminating the capital appropriation for the demolition of the Walker building.

**HCR 21**, urging the U.S. Congress to adopt uniform recycling product labeling standards based on standards developed by the Northeast Recycling Council.

**HCR 24**, urging the President to establish a commission to review access to current health care systems and to adopt unified access to health care in this country and urging Congress to enact recommendations of the commission.

### CONCURRENCE WITH AMENDMENTS

**SB 311**, exempting certified fire investigators and certain towing companies from licensure under the detective agencies and securities services act, changing the qualification for fire investigators and changing the date for renewal or reinstatement of private detective licenses.

**SB 316**, establishing a committee to study cable television rates and the possibility of introducing competition into the marketplace in order to lower rates.

**SB 340-FN**, clarifying the definition of a school district.

**SB 371**, establishing a committee to study the feasibility of year round schools.

**SB 377**, relative to penalties for mortgage brokers who fail to file annual reports.

**SB 381**, relative to interest on escrow accounts.

**SB 383**, establishing a committee to recommend a method of screening school district applicants for employment for felony convictions.

**SB 405-FN**, relative to driver attitude training for repeat and habitual offenders.

**SB 426**, establishing a task force to develop a strategy to train police, prosecutors and correctional personnel to successfully prevent, investigate and prosecute sexual assault cases.

**SB 467-FN-L**, requiring evidence of tax payment for the moving of a building or structure.

### NONCONCURRENCE

**HB 747-FN**, establishing a committee to study ways for retail liquor store operations to maximize state revenues while maintaining adequate service to the community and allowing the liquor commission to vary its liquor prices from store to store.

### NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

**SB 324**, permitting Jewish Rabbis who are not citizens of the United States to solemnize marriages.

The President appointed Sens. John King, Podles and McLane.

Rep. William McCain moved that the House accede.

Adopted.

The Speaker appointed Reps. Robinson, Eugene Gagnon, Woods and Nordgren.

**SB 418**, changing the title of juvenile services officers to juvenile enforcement officers.

The President appointed Sens. Currier, John King and Wayne King.

Rep. William McCain moved that the House accede.

Adopted.

The Speaker appointed Reps. William McCain, Valerie Cook, Lovejoy and Nordgren.

**SB 410**, creating a task force to study establishing precautionary measures to be followed by health care workers to control the spread of AIDS, hepatitis and tuberculosis.

The President appointed Sens. John King, McLane and Fraser.

Rep. Robert Foster moved that the House accede.

Adopted.

The Speaker appointed Reps. Robert Foster, Holmes, Ziegra and Katherine Foster.

**SB 343**, relative to reconsideration of town meeting and school district meeting votes.

The President appointed Sens. Bass, Roberge and Cohen.

Rep. Grodin moved that the House accede.

Adopted.

The Speaker appointed Reps. Wadsworth, Weyler, Metzger and Fuller-Clark.

**SB 375**, allowing the division of parks and recreation to give rewards for information leading to the recovery of stolen division property.

The President appointed Sens. Heath, Frazer and Cohen

Rep. Dickinson moved that the House accede.

Adopted.

The Speaker appointed Reps. Lewis, Dickinson, John Young and Janas.

**SB 428-FN**, designating segments of the Connecticut River for the rivers management and protection program, reclassifying a segment of the Contoocook River, allowing existing hydroelectric facilities to maintain operations, and requiring the establishment of procedures before water can be released from dams.

The President appointed Sens. Russman, Oleson and Fraser

Rep. Dickinson moved that the House accede.

Adopted.

The Speaker appointed Reps. Dickinson, Schotanus, C. Fitzgerald Buckley and Maviglio.

### SPECIAL ORDERS

**SB 452-FN-L**, redistricting certain district courts. OUGHT TO PASS WITH AMENDMENT.

Rep. Alf E. Jacobson for Judiciary: SB 452 adopts the recommendations of the Committee to review district and municipal courts. The amendment returns SB 452 to the original recommendation and adds language that restricts the appointment of district court judges so long as an excess of justices, created by consolidation, remains. Vote 13-2.

5619L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Redistricting of District Courts. RSA 502-A:1 is repealed and reenacted to read as follows:

502-A:1 Judicial Districts. A comprehensive system of judicial districts, each with a district court, is hereby organized, constituted and established as follows:



### Rockingham County

I. PORTSMOUTH DISTRICT. The Portsmouth district shall consist of the city of Portsmouth and the towns of Newington, Greenland, Rye, and New Castle. The district court for the district shall be located in Portsmouth, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Portsmouth District Court.

II. HAMPTON-EXETER DISTRICT. The Hampton-Exeter district shall consist of the towns of Hampton, Hampton Falls, North Hampton, South Hampton, Seabrook, Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

III. DERRY DISTRICT. The Derry district shall consist of the towns of Derry, Londonderry, Chester, and Sandown. The district court for the district shall be located in Derry, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Derry District Court.

IV. AUBURN DISTRICT. The Auburn district shall consist of the towns of Auburn, Candia, Deerfield, Nottingham, Raymond, and Northwood. The district court for the district shall be located in Auburn, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Auburn District Court.

V. SALEM DISTRICT. The Salem district shall consist of the towns of Salem and Windham in Rockingham county and the town of Pelham in Hillsborough county. The district court for the district shall be located in Salem, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Salem District Court.

VI. PLAISTOW DISTRICT. The Plaistow district shall consist of the towns of Plaistow, Hampstead, Kingston, Newton, Atkinson, and Danville. The district court for the district shall be located in Plaistow, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Plaistow District Court.

### Strafford County

VII. DOVER-SOMERSWORTH-DURHAM DISTRICT. The Dover-Somersworth -Durham district shall consist of the cities of Dover and Somersworth and the towns of Rollinsford, Durham, Lee, and Madbury. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

VIII. ROCHESTER DISTRICT. The Rochester district court shall consist of the city of Rochester and the towns of Barrington, Milton, New Durham, Farmington, Strafford, and Middleton. The district court for the district shall be located in Roches-

ter, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Rochester District Court.

Belknap County

IX. LACONIA DISTRICT. The Laconia district shall consist of the city of Laconia and the towns of Meredith, New Hampton, Gilford, Belmont, Alton, Gilmanton and Center Harbor. The district court for the district shall be located in Laconia, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Laconia District Court.

Carroll County

X. DISTRICT COURT FOR NORTHERN CARROLL COUNTY. The district for northern Carroll County shall consist of the towns of Conway, Bartlett, Jackson, Eaton, Chatham, Hart's Location, Albany, Madison and the unincorporated places of Hale's Location, Cutt's Grant, Hadley's Purchase, and Livermore. The district court for the district shall be located in Conway, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be the District Court for Northern Carroll County.

XI. DISTRICT COURT FOR SOUTHERN CARROLL COUNTY. The district for southern Carroll County shall consist of the towns of Ossipee, Tamworth, Freedom, Effingham, Wakefield, Wolfeboro, Brookfield, Tuftonboro, Moultonborough, and Sandwich. The court shall be located either in Ossipee or in Wolfeboro in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The name of the court shall be the District Court for Southern Carroll County.

Merrimack County

XII. CONCORD DISTRICT. The Concord district shall consist of the city of Concord, and the towns of Loudon, Canterbury, Dunbarton, Bow, and Hopkinton. The district court for the district shall be located in Concord, holding sessions regularly there and elsewhere in the district as justice may require. The name of the court shall be Concord District Court.

XIII. HOOKSETT DISTRICT. The Hooksett district shall consist of the towns of Allenstown, Pembroke, and Hooksett. The district court for the district shall be located in Hooksett, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be the Hooksett District Court.

XIV. FRANKLIN DISTRICT. The Franklin district shall consist of the city of Franklin and the towns of Northfield, Danbury, Andover, Boscawen, Salisbury, Hill, and Webster in Merrimack county and the towns of Sanbornton and Tilton in Belknap county. The district court for the district shall be located in Franklin, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Franklin District Court.

XV. HENNIKER-HILLSBOROUGH DISTRICT. The Henniker-Hillsborough district shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county and the towns of Hillsborough, Deering, Windsor, Antrim and Bennington in Hillsborough county. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that

the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

**XVI. NEW LONDON DISTRICT.** The New London district shall consist of the towns of New London, Wilmot, Newbury, and Sutton. The district court for the district shall be located in New London, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be New London District Court.

**XVII. PITTSFIELD DISTRICT.** The Pittsfield district shall consist of the towns of Pittsfield, Chichester, and Epsom in Merrimack county and the town of Barnstead in Belknap county. The district court for the district shall be located in Pittsfield, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Pittsfield District Court.

#### Hillsborough County

**XVIII. MANCHESTER DISTRICT.** The Manchester district shall consist of the city of Manchester. The district court for the district shall be located in Manchester, holding sessions regularly therein as justice may require. The name of the court shall be Manchester District Court.

**XIX. NASHUA DISTRICT.** The Nashua district shall consist of the city of Nashua and the towns of Hudson, Hollis, and Litchfield. The district court for the district shall be located in Nashua, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Nashua District Court.

**XX. MERRIMACK DISTRICT.** The Merrimack district shall consist of the towns of Merrimack and Bedford. The district court for the district shall be located in Merrimack, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be the Merrimack District Court.

**XXI. MILFORD DISTRICT.** The Milford district shall consist of the towns of Milford, Brookline, Amherst, Mason, Wilton, Lyndeborough, and Mont Vernon. The district court for the district shall be located in Milford, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Milford District Court.

**XXII. JAFFREY-PETERBOROUGH DISTRICT.** The Jaffrey-Peterborough district shall consist of the towns of Peterborough, Hancock, Greenville, Greenfield, New Ipswich, Temple, and Sharon in Hillsborough county and the towns of Jaffrey, Dublin, Fitzwilliam, Troy, and Rindge in Cheshire county. The district court for the district shall be located in Jaffrey or Peterborough, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Jaffrey-Peterborough District Court.

**XXIII. HENNIKER-HILLSBOROUGH DISTRICT.** The Henniker-Hillsborough district shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county and the towns of Hillsborough, Deering, Windsor, Antrim and Bennington in Hillsborough county. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission

pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

**XXIV. GOFFSTOWN DISTRICT.** The Goffstown district shall consist of the towns of Goffstown, Weare, New Boston, and Francestown. The district court for the district shall be located in Goffstown, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Goffstown District Court.

Cheshire County

**XXV. KEENE DISTRICT.** The Keene district shall consist of the city of Keene and the towns of Stoddard, Westmoreland, Surrey, Gilsum, Sullivan, Nelson, Roxbury, Marlow, Swanzey, Marlborough, Winchester, Richmond, Hinsdale, Harrisville, Walpole, Alstead, and Chesterfield. The district court for the district shall be located in Keene, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Keene District Court.

**XXVI. JAFFREY-PETERBOROUGH DISTRICT.** The Jaffrey-Peterborough district shall consist of the towns of Jaffrey, Dublin, Fitzwilliam, Troy, and Rindge in Cheshire county and the towns of Peterborough, Hancock, Greenville, Greenfield, New Ipswich, Temple, and Sharon in Hillsborough county. The district court for the district shall be located in Jaffrey or Peterborough, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Jaffrey-Peterborough District Court.

Sullivan County

**XXVII. CLAREMONT-NEWPORT DISTRICT.** The Claremont-Newport district shall consist of the city of Claremont and the towns of Cornish, Unity, Charlestown, Acworth, Langdon, Plainfield, Newport, Grantham, Croydon, Springfield, Sunapee, Goshen, Lempster, and Washington. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

Grafton County

**XXVIII. HANOVER-LEBANON DISTRICT.** The Hanover-Lebanon district shall consist of the towns of Hanover, Orford, Lyme, Lebanon, Enfield, Canaan, Grafton, and Orange. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

**XXIX. HAVERHILL DISTRICT.** The Haverhill district shall consist of the towns of Haverhill, Bath, Landaff, Benton, Piermont, and Warren. The district court for the district shall be located in Haverhill, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Haverhill District Court.



XXX. LITTLETON DISTRICT. The Littleton district shall consist of the towns of Littleton, Monroe, Lyman, Lisbon, Franconia, Bethlehem, Sugar Hill, and Easton. The district court for the district shall be located in Littleton, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Littleton District Court.

XXXI. PLYMOUTH-LINCOLN DISTRICT. The Plymouth-Lincoln district shall consist of the towns of Plymouth, Bristol, Dorchester, Groton, Wentworth, Rumney, Ellsworth, Thornton, Campton, Waterville, Ashland, Hebron, Holderness, Bridgewater, Alexandria, Lincoln, and Woodstock. The district court for the district shall be located in Plymouth, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Plymouth District Court.

Coos County

XXXII. BERLIN-GORHAM DISTRICT. The Berlin-Gorham district shall consist of the city of Berlin and the towns of Gorham, Milan, Dummer, Shelburne, and Randolph and the unincorporated places of Cambridge, Success, Bean's Purchase, Martin's Location, Green's Grant, Pinkham's Grant, Sargent's Purchase, and Low and Burbank's Grant. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

XXXIII. COLEBROOK DISTRICT. The Colebrook district shall consist of the towns of Colebrook, Pittsburg, Clarksville, Wentworth's Location, Errol, Millsfield, Columbia, Stewartstown, and Stratford and the unincorporated places of Dix's Grant, Atkinson and Gilmanston Academy Grant, Second College Grant, Dixville, Erving's Location, and Odell. The district court for the district shall be located in Colebrook, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Colebrook District Court.

XXXIV. LANCASTER DISTRICT. The Lancaster district shall consist of the towns of Lancaster, Stark, Northumberland, Carroll, Whitefield, Dalton and Jefferson, and the unincorporated places of Kilkenny Bean's Grant, Chandler's Purchase, Crawford's Purchase, and Thompson and Meserve's Purchase. The district court for the district shall be located in Lancaster, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Lancaster District Court.

2 District Court Justices; Tenure Following Consolidation of Districts. Amend RSA 502-A:3-b to read as follows:

502-A:3-b District Court; Justices, Tenure Following Consolidation of Districts. In those instances in which [2] judicial districts are combined, the justices and special justices of the respective courts shall continue to serve as justices or special justices of the newly created district and the senior justice of the [2 courts] **court** shall be designated the presiding justice of the district, **except where one of the justices is a full-time justice, in which case that justice shall be designated the presiding justice.** Upon the retirement, resignation, disability, or removal of [either] a justice or [either]

special justice, the position shall be eliminated [leaving] **until** one justice and one special justice position **remain** for the district.

3 Freeze on Judicial Appointments. No further appointments shall be made to any district court bench after the effective date of this act until the present list of full-time, part-time and special justices is exhausted, without certification of need by the chief justice of the New Hampshire supreme court.

4 Contingency. Consolidation or redistricting under section 1 of this act shall take effect for each district court only when the facility to be utilized by the newly consolidated or redistricted district is certified as accredited or conditionally accredited by the court accreditation commission.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 1993, or when the conditions of section 4 have been met.

II. Sections 3 and 4 of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill reorganizes and consolidates the districts of certain district courts and places a freeze on the appointment of district court judges unless the current list of justices is exhausted and need is certified by the chief justice of the supreme court.

Rep. Jacobson spoke in favor.

Adopted.

Rep. Flint offered a floor amendment.

5665L

#### Floor Amendment

Amend RSA 502-A:1, XXVII as inserted by section 1 of the bill by replacing it with the following:

XXVII. CLAREMONT DISTRICT. The Claremont district shall consist of the city of Claremont and the towns of Cornish, Unity, Charlestown, Acworth, Langdon and Plainfield. The district court for the district shall be located in Claremont, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Claremont District Court.

XXVII-a. NEWPORT DISTRICT. The Newport district shall consist of the towns of Newport, Grantham, Croydon, Springfield, Sunapee, Goshen, Lempster and Washington. The district court for the district shall be located in Newport, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Newport District Court.

Rep. Flint spoke in favor and yielded to questions.

Rep. Jacobson spoke against and yielded to questions.

Roll Call request sufficiently seconded.

Rep. Tarpley-Bamberger declared that a conflict of interest existed and she did not participate.

The question being the adoption of the Flint floor amendment.

YEAS 123

NAYS 203

YEAS 123  
BELKNAP

Dewhirst, Glenn E.  
Maviglio, Steven R.  
Turner, Robert H.

Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Zaharchuk, Peter J., Jr.

Joscelyn, William W.  
Rosen, Ralph J.

**CARROLL**

Beach, Mildred A.                      Saunders, Howard N.

**CHESHIRE**

Cole, Kenneth A.                      Cole, Stacey W.                      DePecol, Benjamin J.  
 Doucette, Richard F.                Feuer, Joseph N.                    Foster, Katherine D.

**COOS**

Hawkinson, Marie C.                Mayhew, Josephine                Nelson, Harold D.  
 Pratt, Leighton C.                    Theriault, Romeo J.

**GRAFTON**

Bean, Pamela B.                      Brown, Patricia B.                Chambers, Mary P.  
 Guest, Robert H.                      Nordgren, Sharon L.                Shackett, Ralph E.  
 Teschner, Douglass P.

**HILLSBOROUGH**

Andrews, Frederick B.                Arnold, Barbara E.                Baroody, Benjamin C.  
 Bourque, Ann J.                      Bowers, Dorothy C.                Buckley, Raymond  
 Burke, Stephen J.                      Clemons, Jane A.                    Cote, David E.  
 Daniels, Gary L.                      Desrochers, Gerard T.              Domaingue, Jacquelyn M.  
 Fenton, James J.                      Gosselin, Gerald O.                Gureckis, Adam C., Sr.  
 Jasper, Shawn N.                      Jean, Claudette R.                Johnson, Lionel W.  
 Jordan, Mary H.                      Kelley, Dana F.                    Kelley, Robert N.  
 King, Frank P.                      Kurk, Neal M.                      Larochelle, Roger B.  
 Laughlin, J. Francis                    Leclerc, Charles J.                Martin, Mary Ellen  
 Mason, Howard F.                      McRae, Karen K.                    O'Rourke, Joanne A.  
 Paquette, Rodolphe G.                Reidy, Frank J.                    Sallada, Roland A.  
 Searles, Stanley N., Sr.                Smith, Leonard A.                Soucy, Donna M.  
 Soucy, Richard A.                      Stiles, Walter A.                    Turgeon, Roland M.  
 Vanderlosk, Stanley R.                White, John M.

**MERRIMACK**

Braiterman, Thea                      Chandler, Earle W.                Chandler, John P.  
 Hayes, Robert C.                      Johnson, Joyce M.                Letourneau, George E.  
 Molner, Mary E.                      Soldati, Jennifer G.                Teague, Bert  
 Trombly, Rick A.                      Wallner, Mary Jane                Whittemore, James A.

**ROCKINGHAM**

Bell, Juanita L.                      Christie, Andrew, Jr.                Drake, Herbert R.  
 Dube, LeRoy S.                      Flanagan, Natalie S.                Flanders, Harry E.  
 Ford, Bert H.                      Hoelzel, Kathleen M.                Hutchinson, Karen K.  
 Johnson, Robert A.                      Katsakiores, Phyllis                Klemarczyk, Thaddeus E.  
 Malcolm, Kenneth W.                McCarthy, John J., Jr.              McGovern, Cynthia A.  
 Palazzo, Frank J.                      Roulston, Donald L.                Rubin, George R.  
 Smith, Arthur W.                      Terninko, Margaret B.                Vaughn, Charles L.  
 Warburton, Calvin

**STRAFFORD**

Hambrick, Patricia A.                Hashem, Elaine M.                Jankowski, Peter M.  
 Kincaid, William K.                McCann, William H., Jr.            Merrill, Amanda A.  
 Wall, Janet G.                      Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
 Flint, Gordon B.  
 Middleton, John A.  
 Rodeschin, Beverly T.

Behrens, Thomas A.  
 Harland, Jane A.  
 Peyron, Fredrik  
 Schotanus, Merle W.

Burling, Peter Hoe  
 Krueger, Richard H.  
 Porter, Robert H.  
 Walsh, Robert R.

**NAYS 203  
BELKNAP**

Bartlett, Gordon E.  
 Hawkins, Robert S.  
 Shibley, Arnold P.

Cain, Thomas G.  
 Holbrook, Robert G.  
 Vogler, Charles C.

Campbell, Richard H., Jr.  
 Johnson, Carl R.  
 Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.  
 Daly, Robert J., Jr.  
 Foster, Robert W.  
 Wiggin, Gordon E.

Bradley, Jeb E.  
 Dickinson, Howard C.  
 Jean, Robert R.

Chandler, Gene G.  
 Dodge, A. Gibb, Jr.  
 Wiggin, Allen R.

**CHESHIRE**

Burnham, Daniel M.  
 Grodin, Richard A.  
 Kennison, Wayne A.  
 Metzger, Katherine H.  
 Perry, David M.

Champagne, Richard L.  
 Hogan, James B.  
 Kingsbury, H. Thayer  
 Mohr, Frederick C., Jr.  
 Riley, William A.

Clark, Eugene W.  
 Hunt, John B.  
 Laurent, John J.  
 Pearson, Gertrude B.  
 Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
 Guay, Lawrence J.  
 Marsh, Beaton

Buckley, C. Fitzgerald  
 Horton, Lynn C.  
 Merrill, Gerald P.

Coulombe, Henry W.  
 Kilbride, Dennis J.

**GRAFTON**

Adams, Carl S.  
 Copenhaver, Marion L.  
 Larson, Nils H., Jr.  
 Trelfa, Richard T.  
 White, Paul R.

Brown, Channing T.  
 Driscoll, William J.  
 Lougee, Richard W.  
 Wadsworth, Karen O.

Christy, C. Dana  
 Hill, Richard L.  
 McIlwaine, Deborah P.  
 Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Baker, George H., Sr.  
 Carpenter, Karen A.  
 Cowenhoven, Garret P.  
 Dodge, Emma M.  
 Drolet, Paul L.  
 Emerton, Lawrence A.  
 Ford, Nancy M.  
 Green, Scott E.  
 Hall, Betty B.  
 Healy, Walter F.  
 Janas, Gregory  
 Lachut, Ervin R.  
 McCann, Bonnie Lou

Ahrens, Frederick G.  
 Baldizar, Barbara J.  
 Chasse, Richard D.  
 Daigle, Robert A.  
 Donovan, Francis X.  
 Durham, Susan B.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Greenglass, Alan B.  
 Hanselman, Gregory L.  
 Holden, Carol H.  
 Jean, Romeo W.  
 Lown, Elizabeth D.  
 McDowell, James E.

Amidon, Eleanor H.  
 Calawa, Leon, Jr.  
 Cook, Valerie S.  
 Desrosiers, William J.  
 Drabinowicz, A. Theresa  
 Dyer, Merton S.  
 Fields, Dennis H.  
 Goulet, Maurice E.  
 Haettenschwiller, Alphonse  
 Healy, Daniel J.  
 Hultgren, David D.  
 L'Heureux, Robert J.  
 Lozeau, Donnalee M.  
 McNerney, Daniel P.



Mercer, Robert S.  
Nardi, Theodora P.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Steiner, Lee Anne  
Wheeler, Robert L.

Messier, Irene M.  
Packard, Bonnie B.  
Record, Alice B.  
Rodgers, G. Philip  
Upton, Barbara A.

Moore, Elizabeth A.  
Pepino, Leo P.  
Rheault, Lillian I.  
Rothhaus, Finlay C.  
Wheeler, David K.

### MERRIMACK

Apple, Lowell D.  
Boucher, Laurent J.  
Daneault, Gabriel J.  
Feuerstein, Martin  
Hager, Elizabeth S.  
Holmes, Mary C.  
Lewis, Mary Ann  
Nichols, Avis B.  
Weeks, John F., Jr.

Asplund, Bronwyn L.  
Carter, Susan D.  
Dunn, Miriam D.  
Fillion, Paul R.  
Hall, Douglas E.  
Jacobson, Alf E.  
Lockwood, Robert A.  
Smith, Gerald R.  
Yeaton, Charles B.

Barberia, Richard A.  
Christie, Thomas J.  
Fair, Patricia A.  
Gross, Caroline L.  
Hill, Michael J.  
Johnson, C. William  
Millard, Elizabeth S.  
Stio, Peter M.

### ROCKINGHAM

Barnes, John S., Jr.  
Clark, Martha Fuller  
Cooke, Annette M.  
Dowd, Sandra K.  
Flanders, David A.  
Greene, Elizabeth A.  
Hurst, Sharleene P.  
Klemm, Arthur P., Jr.  
MacKinnon, Nancy W.  
Melnick, Roy E.  
Parr, Ednapearl F.  
Schanda, Joseph, Sr.  
Skinner, Patricia M.  
Sytek, John J.  
Welch, David A.

Boucher, William P.  
Connell, David R.  
Cote, Patricia L.  
Dowling, Patricia A.  
Flanders, John W., Sr.  
Haynes, Richard  
Kane, Cecelia D.  
Lovejoy, Virginia K.  
McCain, William F.  
Packard, Sherman A.  
Raynowska, Bernard J.  
Schmidtchen, Rowland H.  
Syracusa, Anthony  
Thayer, Leroy C.  
Wells, Henry E.

Campbell, Marilyn R.  
Conroy, Janet M.  
DiPietro, Carmela M.  
Felch, Charles H., Sr.  
Gage, Beverly A.  
Hoar, John, Jr.  
Katsakiores, George N.  
MacDonald, Joseph A.  
McKinney, Betsy  
Pantelakos, Laura C.  
Rosencrantz, James R.  
Senter, Marilyn P.  
Sytek, Donna P.  
Tufts, Arthur  
Woods, Deborah L.

### STRAFFORD

Bickford, Drucilla  
Flynn, Edward J.  
Kinney, Paula J.  
Nehring, William H.  
Spencer, Leo J.  
Torr, Ralph W.

Brown, Julie M.  
Gilmore, Gary R.  
Knowles, William V.  
O'Brien, John  
Sullivan, Henry P.  
Vincent, Francis C.

Douglass, Clyde J.  
Keans, Sandra B.  
Marston, Robert E.  
Pelley, Janet R.  
Torr, Ann M.  
Young, John B.

### SULLIVAN

Domini, Irene C.

and the amendment failed.

Rep. James Whittemore notified the Clerk that he wished to be recorded in opposition to the floor amendment.

Reps. Fenton and Norman Lawrence offered a floor amendment.

5833L

**Floor Amendment**

Amend the bill by replacing section 5 with the following:

5 Special Justice; Pelham District Court. Amend 1987, 80:1 to read as follows:

80:1 Special Justice; Pelham Municipal Court. Upon the occurrence of a vacancy in the office of the justice of the Pelham municipal court, the special justice of the Pelham municipal court shall continue in office as a special justice of the [Nashua] Salem district court[, as authorized by RSA 502-A:3,] and shall hold sessions in Pelham [as authorized by RSA 502-A:3] **not less than one day per week, notwithstanding the provisions of RSA 502-A:2.**

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 1993, or when the conditions of section 4 have been met.

II. The remainder of this act shall take effect upon its passage.

Reps. Fenton and Leonard Smith spoke in favor.

Rep. Jasper spoke in favor and yielded to questions.

Rep. Jacobson spoke against and yielded to questions.

On a division vote, 132 members having voted in the affirmative and 196 in the negative, the floor amendment failed.

Rep. Norman Lawrence notified the Clerk that he wished to be recorded in favor of the floor amendment.

Rep. Chambers offered a floor amendment.

5846L

**Floor Amendment**

Amend RSA 502-A:1, XXVIII as inserted by section 1 of the bill by replacing it with the following:

XXVIII. HANOVER DISTRICT. The Hanover district shall consist of the towns of Hanover, Orford and Lyme. The district court for the district shall be located in Hanover, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Hanover District Court.

XXVIII-a. LEBANON DISTRICT. The Lebanon district shall consist of the towns of Lebanon, Enfield, Canaan, Grafton and Orange. The district court for the district shall be located in Lebanon, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Lebanon District Court.

Reps. Chambers, Nordgren and Wadsworth spoke in favor.

Reps. Channing Brown and Jacobson spoke against and yielded to questions.

Roll call request sufficiently seconded.

Rep. Tarpley-Bamberger declared that a conflict of interest existed and she did not participate.

The question being the adoption of the Chambers floor amendment.

**YEAS 83****NAYS 252**

**YEAS 83  
BELKNAP**

Golden, Paul A.  
Rosen, Ralph J.

Joscelyn, William W.

Maviglio, Steven R.

**CARROLL**

None

**CHESHIRE**Clark, Eugene W.  
Foster, Katherine D.DePecol, Benjamin J.  
Hunt, John B.

Doucette, Richard F.

**COOS**Hawkinson, Marie C.  
Therault, Romeo J.

Mayhew, Josephine

Nelson, Harold D.

**GRAFTON**Chambers, Mary P.  
McIlwaine, Deborah P.Copenhaver, Marion L.  
Nordgren, Sharon L.

Guest, Robert H.

**HILLSBOROUGH**Baker, George H., Sr.  
Buckley, Raymond  
Cote, David E.  
Drabinowicz, A. Theresa  
Gosselin, Gerald O.  
Jasper, Shawn N.  
Jordan, Mary H.  
Larochele, Roger B.  
Martin, Mary Ellen  
Pepino, Leo P.  
Soucy, Donna M.  
White, John M.Baldizar, Barbara J.  
Burke, Stephen J.  
Desrochers, Gerard T.  
Fenton, James J.  
Gureckis, Adam C., Sr.  
Jean, Claudette R.  
King, Frank P.  
Laughlin, J. Francis  
O'Rourke, Joanne A.  
Reidy, Frank J.  
Soucy, Richard A.Baroody, Benjamin C.  
Clemons, Jane A.  
Donovan, Francis X.  
Fields, Dennis H.  
Janas, Gregory  
Johnson, Lionel W.  
L'Heureux, Robert J.  
Leclerc, Charles J.  
Paquette, Rodolphe G.  
Smith, Leonard A.  
Turgeon, Roland M.**MERRIMACK**Braiterman, Thea  
Letourneau, George E.  
Trombly, Rick A.Daneault, Gabriel J.  
Molner, Mary E.  
Wallner, Mary JaneJohnson, Joyce M.  
Soldati, Jennifer G.**ROCKINGHAM**Bell, Juanita L.  
McGovern, Cynthia A.  
Warburton, CalvinCaswell, Albert, Jr.  
Pantelakos, Laura C.Kane, Cecelia D.  
Parr, Ednapearl F.**STRAFFORD**Frechette, Roland A.  
Jankowski, Peter M.  
Merrill, Amanda A.  
Spencer, Leo J.Hambrick, Patricia A.  
Kincaid, William K.  
Pageotte, Donald P.  
Wall, Janet G.Hashem, Elaine M.  
McCann, William H., Jr.  
Pelley, Janet R.  
Wheeler, Katherine W.**SULLIVAN**Allison, David C.  
Krueger, Richard H.

Burling, Peter Hoe

Flint, Gordon B.

**NAYS 252  
BELKNAP**Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.Cain, Thomas G.  
Holbrook, Robert G.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.Campbell, Richard H., Jr.  
Johnson, Carl R.  
Turner, Robert H.  
Ziegra, Alice S.

**CARROLL**

Allard, Nanci A.  
 Chandler, Gene G.  
 Dodge, A. Gibb, Jr.  
 Saunders, Howard N.

Beach, Mildred A.  
 Daly, Robert J., Jr.  
 Foster, Robert W.  
 Wiggin, Allen R.

Bradley, Jeb E.  
 Dickinson, Howard C.  
 Jean, Robert R.  
 Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.  
 Cole, Stacey W.  
 Hogan, James B.  
 Laurent, John J.  
 Perry, David M.  
 Young, David A.

Champagne, Richard L.  
 Feuer, Joseph N.  
 Kennison, Wayne A.  
 Mohr, Frederick C., Jr.  
 Riley, William A.

Cole, Kenneth A.  
 Grodin, Richard A.  
 Kingsbury, H. Thayer  
 Pearson, Gertrude B.  
 Sawyer, Alfred P.

**COOS**

Brungot, Catherine V.  
 Guay, Lawrence J.  
 Marsh, Beaton

Buckley, C. Fitzgerald  
 Horton, Lynn C.  
 Merrill, Gerald P.

Coulombe, Henry W.  
 Kilbride, Dennis J.  
 Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
 Brown, Patricia B.  
 Driscoll, William J.  
 Larson, Nils H., Jr.  
 Scanlan, David M.  
 Trelfa, Richard T.  
 White, Paul R.

Bean, Pamela B.  
 Christy, C. Dana  
 Hill, Richard L.  
 Lougee, Richard W.  
 Shackett, Ralph E.  
 Wadsworth, Karen O.

Brown, Channing T.  
 Dow, David  
 LaMott, Paul I.  
 Nielsen, Niels F., Jr.  
 Teschner, Douglass P.  
 Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Amidon, Eleanor H.  
 Bourque, Ann J.  
 Carpenter, Karen A.  
 Cowenhoven, Garret P.  
 Dodge, Emma M.  
 Durham, Susan B.  
 Emerton, Lawrence A.  
 Ford, Nancy M.  
 Green, Scott E.  
 Hall, Betty B.  
 Healy, Walter F.  
 Jean, Romeo W.  
 Kurk, Neal M.  
 Lozeau, Donnalee M.  
 McDowell, James E.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Packard, Bonnie B.  
 Rheault, Lillian I.  
 Rothhaus, Finlay C.  
 Stiles, Walter A.  
 Wheeler, David K.

Ahrens, Frederick G.  
 Andrews, Frederick B.  
 Bowers, Dorothy C.  
 Chasse, Richard D.  
 Daniels, Gary L.  
 Domaingue, Jacquelyn M.  
 Dyer, Merton S.  
 Ferguson, Charles  
 Gagnon, Eugene L.  
 Greenglass, Alan B.  
 Hanselman, Gregory L.  
 Holden, Carol H.  
 Kelley, Dana F.  
 Lachut, Ervin R.  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Nardi, Theodora P.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Sallada, Roland A.  
 Upton, Barbara A.  
 Wheeler, Robert L.

Alukonis, David J.  
 Arnold, Barbara E.  
 Calawa, Leon, Jr.  
 Cook, Valerie S.  
 Desrosiers, William J.  
 Drolet, Paul L.  
 Elliott, Larry G.  
 Ferlan, Arthur P.  
 Goulet, Maurice E.  
 Haettenschwiller, Alphonse  
 Healy, Daniel J.  
 Hultgren, David D.  
 Kelley, Robert N.  
 Lown, Elizabeth D.  
 McCann, Bonnie Lou  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Ouellette, Robert O.  
 Record, Alice B.  
 Rodgers, G. Philip  
 Searles, Stanley N., Sr.  
 Vanderlosk, Stanley R.



**MERRIMACK**

Apple, Lowell D.  
 Boucher, Laurent J.  
 Chandler, John P.  
 Fair, Patricia A.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Teague, Bert  
 Yeaton, Charles B.

Asplund, Bronwyn L.  
 Carter, Susan D.  
 Christie, Thomas J.  
 Feuerstein, Martin  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Weeks, John F., Jr.

Barberia, Richard A.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, C. William  
 Millard, Elizabeth S.  
 Stio, Peter M.  
 Whittemore, James A.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Clark, Martha Fuller  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McCarthy, John J., Jr.  
 Packard, Sherman A.  
 Rosencrantz, James R.  
 Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Thayer, Leroy C.  
 Wells, Henry E.

Benton, Richardson D.  
 Chase, Lawrence A., Jr.  
 Connell, David R.  
 DiPietro, Carmela M.  
 Drake, Herbert R.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Haynes, Richard  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Palazzo, Frank J.  
 Roulston, Donald L.  
 Schmidtchen, Rowland H.  
 Smith, Arthur W.  
 Sytek, John J.  
 Tufts, Arthur  
 Woods, Deborah L.

Boucher, William P.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Dube, LeRoy S.  
 Flanders, David A.  
 Ford, Bert H.  
 Hoar, John, Jr.  
 Hutchinson, Karen K.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Melnick, Roy E.  
 Raynowska, Bernard J.  
 Rubin, George R.  
 Senter, Merilyn P.  
 Syracuse, Anthony  
 Terninko, Margaret B.  
 Welch, David A.

**STRAFFORD**

Bickford, Drucilla  
 Douglass, Clyde J.  
 Gilmore, Gary R.  
 Knowles, William V.  
 O'Brien, John  
 Torr, Ralph W.  
 Young, John B.

Brown, Julie M.  
 Flynn, Edward J.  
 Keans, Sandra B.  
 Marston, Robert E.  
 Sullivan, Henry P.  
 Tsiros, William

Corte, Arthur B.  
 Foss, Patricia H.  
 Kinney, Paula J.  
 Nehring, William H.  
 Torr, Ann M.  
 Vincent, Francis C.

**SULLIVAN**

Behrens, Thomas A.  
 Peyron, Fredrik  
 Walsh, Robert R.

Domini, Irene C.  
 Porter, Robert H.

Middleton, John A.  
 Schotanus, Merle W.

and the floor amendment failed.

Rep. Braiterman offered a floor amendment.

5831L

**Floor Amendment**

Amend RSA 502-A:1, XV as inserted by section 1 of the bill by replacing it with the following:

XV. HENNIKER DISTRICT. The Henniker district shall consist of the towns of Henniker, Warner, and Bradford. The district court for the district shall be located in Henniker, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Henniker District Court.

Amend RSA 502-A:1, XXIII as inserted by section 1 of the bill by replacing it with the following:

XXIII. HILLSBOROUGH DISTRICT. The Hillsborough district shall consist of the towns of Hillsborough, Deering, Windsor, Antrim and Bennington. The district court for the district shall be located in Hillsborough, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Hillsborough District Court.

Rep. Braiterman spoke in favor and yielded to questions.

Rep. Hultgren spoke in favor.

The floor amendment failed.

Rep. Amanda Merrill offered a floor amendment.

5862L

**Floor Amendment**

Amend section 1 of the bill by replacing paragraph VII with the following:

VII. DOVER-SOMERSWORTH DISTRICT. The Dover-Somersworth district shall consist of the cities of Dover and Somersworth and the town of Rollinsford. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall bear the name of the city or town in which it is located.

VII-a. DURHAM DISTRICT. The Durham district court shall consist of the towns of Durham, Lee, and Madbury. The district court for the district shall be located in Durham, holding sessions regularly therein and elsewhere in the district as justice may require. The name of the court shall be Durham District Court.

Rep. Amanda Merrill spoke in favor.

Rep. Jacobson spoke against.

The floor amendment failed.

Rep. Fenton moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment, spoke in favor and yielded to questions.

Rep. Donna Sytek spoke against and yielded to questions.

Roll call request sufficiently seconded.

Rep. Tarpley-Bamberger declared that a conflict of interest existed and she did not participate.

The question being the adoption of the substitute motion.

**YEAS 61****NAYS 270****YEAS 61  
BELKNAP**

Joscelyn, William W.  
Zaharchuk, Peter J., Jr.

Maviglio, Steven R.

Rosen, Ralph J.

**CARROLL**

None

**CHESHIRE**

Cole, Kenneth A.

Doucette, Richard F.

Foster, Katherine D.

**COOS**

Coulombe, Henry W.  
Theriault, Romeo J.

Hawkinson, Marie C.

Mayhew, Josephine

**GRAFTON**

Chambers, Mary P.

McIlwaine, Deborah P.

Nordgren, Sharon L.

**HILLSBOROUGH**

Clemons, Jane A.  
Elliott, Larry G.  
Healy, Daniel J.  
Johnson, Lionel W.  
Martin, Mary Ellen  
Reidy, Frank J.  
Smith, Leonard A.

Cote, David E.  
Fenton, James J.  
Jasper, Shawn N.  
King, Frank P.  
Ouellette, Robert O.  
Sallada, Roland A.  
Soucy, Donna M.

Desrochers, Gerard T.  
Gureckis, Adam C., Sr.  
Jean, Claudette R.  
Leclerc, Charles J.  
Pepino, Leo P.  
Searles, Stanley N., Sr.  
White, John M.

**MERRIMACK**

Barberia, Richard A.  
Soldati, Jennifer G.  
Wallner, Mary Jane

Braiterman, Thea  
Teague, Bert  
Yeaton, Charles B.

Johnson, Joyce M.  
Trombly, Rick A.

**ROCKINGHAM**

Flanders, David A.  
Kane, Cecelia D.  
Warburton, Calvin

Hutchinson, Karen K.  
Rosencrantz, James R.

Johnson, Robert A.  
Rubin, George R.

**STRAFFORD**

Gilmore, Gary R.  
McCann, William H., Jr.  
Wheeler, Katherine W.

Hambrick, Patricia A.  
Merrill, Amanda A.

Jankowski, Peter M.  
Spencer, Leo J.

**SULLIVAN**

Burling, Peter Hoe  
Rodeschin, Beverly T.

Flint, Gordon B.

Krueger, Richard H.

**NAYS 270  
BELKNAP**

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.  
Ziegra, Alice S.

Cain, Thomas G.  
Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Salatiello, Thomas B.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
 Chandler, Gene G.  
 Dodge, A. Gibb, Jr.  
 Saunders, Howard N.

Beach, Mildred A.  
 Daly, Robert J., Jr.  
 Foster, Robert W.  
 Wiggin, Allen R.

Bradley, Jeb E.  
 Dickinson, Howard C.  
 Jean, Robert R.  
 Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.  
 Cole, Stacey W.  
 Grodin, Richard A.  
 Kennison, Wayne A.  
 Mohr, Frederick C., Jr.  
 Riley, William A.

Champagne, Richard L.  
 DePecol, Benjamin J.  
 Hogan, James B.  
 Kingsbury, H. Thayer  
 Pearson, Gertrude B.  
 Sawyer, Alfred P.

Clark, Eugene W.  
 Feuer, Joseph N.  
 Hunt, John B.  
 Laurent, John J.  
 Perry, David M.  
 Young, David A.

**COOS**

Brungot, Catherine V.  
 Horton, Lynn C.  
 Merrill, Gerald P.

Buckley, C. Fitzgerald  
 Kilbride, Dennis J.  
 Nelson, Harold D.

Guay, Lawrence J.  
 Marsh, Beaton  
 Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
 Christy, C. Dana  
 Driscoll, William J.  
 LaMott, Paul I.  
 Nielsen, Niels F., Jr.  
 Teschner, Douglass P.  
 Ward, Kathleen W.

Bean, Pamela B.  
 Copenhaver, Marion L.  
 Guest, Robert H.  
 Larson, Nils H., Jr.  
 Scanlan, David M.  
 Trelfa, Richard T.  
 White, Paul R.

Brown, Channing T.  
 Dow, David  
 Hill, Richard L.  
 Lougee, Richard W.  
 Shackett, Ralph E.  
 Wadsworth, Karen O.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Amidon, Eleanor H.  
 Baldizar, Barbara J.  
 Bowers, Dorothy C.  
 Calawa, Leon, Jr.  
 Cook, Valerie S.  
 Daniels, Gary L.  
 Domaingue, Jacquelyn M.  
 Drolet, Paul L.  
 Emerton, Lawrence A.  
 Fields, Dennis H.  
 Gosselin, Gerald O.  
 Greenglass, Alan B.  
 Hanselman, Gregory L.  
 Hultgren, David D.  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Laughlin, J. Francis  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Messier, Irene M.  
 Nardi, Theodora P.

Ahrens, Frederick G.  
 Andrews, Frederick B.  
 Baroody, Benjamin C.  
 Buckley, Raymond  
 Carpenter, Karen A.  
 Cowenhoven, Garret P.  
 Desrosiers, William J.  
 Donovan, Francis X.  
 Durham, Susan B.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Goulet, Maurice E.  
 Haettenschwiller, Alphonse  
 Healy, Walter F.  
 Janas, Gregory  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lown, Elizabeth D.  
 McCann, Bonnie Lou  
 McCrae, Karen K.  
 Moore, Elizabeth A.  
 Packard, Bonnie B.

Alukonis, David J.  
 Arnold, Barbara E.  
 Bourque, Ann J.  
 Burke, Stephen J.  
 Chasse, Richard D.  
 Daigle, Robert A.  
 Dodge, Emma M.  
 Drabinowicz, A. Theresa  
 Dyer, Merton S.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Green, Scott E.  
 Hall, Betty B.  
 Holden, Carol H.  
 Jean, Romeo W.  
 Kurk, Neal M.  
 Larochelle, Roger B.  
 Lozeau, Donnalee M.  
 McDowell, James E.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Paquette, Rodolphe G.



Peters, Stanley W.  
Robinson, Ellen-Ann  
Soucy, Richard A.  
Upton, Barbara A.  
Wheeler, Robert L.

Record, Alice B.  
Rodgers, G. Philip  
Stiles, Walter A.  
Vanderlosk, Stanley R.

Rheault, Lillian I.  
Rothhaus, Finlay C.  
Turgeon, Roland M.  
Wheeler, David K.

### MERRIMACK

Apple, Lowell D.  
Carter, Susan D.  
Christie, Thomas J.  
Fair, Patricia A.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Holmes, Mary C.  
Letourneau, George E.  
Millard, Elizabeth S.  
Smith, Gerald R.  
Whittemore, James A.

Asplund, Bronwyn L.  
Chandler, Earle W.  
Daneault, Gabriel J.  
Feuerstein, Martin  
Gross, Caroline L.  
Hayes, Robert C.  
Jacobson, Alf E.  
Lewis, Mary Ann  
Molner, Mary E.  
Stio, Peter M.

Boucher, Laurent J.  
Chandler, John P.  
Dunn, Miriam D.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, C. William  
Lockwood, Robert A.  
Nichols, Avis B.  
Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
Boucher, William P.  
Christie, Andrew, Jr.  
Conroy, Janet M.  
DiPietro, Carmela M.  
Drake, Herbert R.  
Flanagan, Natalie S.  
Ford, Bert H.  
Hoar, John, Jr.  
Katsakiores, George N.  
Klemm, Arthur P., Jr.  
MacKinnon, Nancy W.  
McCarthy, John J., Jr.  
Melnick, Roy E.  
Pantelakos, Laura C.  
Schmidtchen, Rowland H.  
Smith, Arthur W.  
Sytek, John J.  
Tufts, Arthur  
Woods, Deborah L.

Bell, Juanita L.  
Campbell, Marilyn R.  
Clark, Martha Fuller  
Cooke, Annette M.  
Dowd, Sandra K.  
Dube, LeRoy S.  
Flanders, Harry E.  
Greene, Elizabeth A.  
Hoelzel, Kathleen M.  
Katsakiores, Phyllis  
Lovejoy, Virginia K.  
Malcolm, Kenneth W.  
McGovern, Cynthia A.  
Packard, Sherman A.  
Parr, Ednapearl F.  
Senter, Marilyn P.  
Syracusa, Anthony  
Terninko, Margaret B.  
Welch, David A.

Benton, Richardson D.  
Caswell, Albert, Jr.  
Connell, David R.  
Cote, Patricia L.  
Dowling, Patricia A.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Haynes, Richard  
Hurst, Sharleene P.  
Klemarczyk, Thaddeus E.  
MacDonald, Joseph A.  
McCain, William F.  
McKinney, Betsy  
Palazzo, Frank J.  
Raynowska, Bernard J.  
Skinner, Patricia M.  
Sytek, Donna P.  
Thayer, Leroy C.  
Wells, Henry E.

### STRAFFORD

Bickford, Drucilla  
Flynn, Edward J.  
Hashem, Elaine M.  
Kinney, Paula J.  
Nehring, William H.  
Pelley, Janet R.  
Torr, Ralph W.  
Wall, Janet G.

Corte, Arthur B.  
Foss, Patricia H.  
Keans, Sandra B.  
Knowles, William V.  
O'Brien, John  
Sullivan, Henry P.  
Tsiros, William  
Young, John B.

Douglass, Clyde J.  
Frechette, Roland A.  
Kincaid, William K.  
Marston, Robert E.  
Pageotte, Donald P.  
Torr, Ann M.  
Vincent, Francis C.

**SULLIVAN**

Behrens, Thomas A.

Domini, Irene C.

Middleton, John A.

Peyron, Fredrik

Porter, Robert H.

Schotanus, Merle W.

Walsh, Robert R.

and the substitute motion failed.

Rep. Burling spoke in favor of the Committee report.

Roll call request sufficiently seconded.

Rep. Tarpley-Bamberger declared that a conflict of interest existed and she did not participate.

The question being the adoption of the Committee report.

**YEAS 253****YEAS 253****BELKNAP**

Bartlett, Gordon E.

Cain, Thomas G.

Campbell, Richard H., Jr.

Dewhirst, Glenn E.

Golden, Paul A.

Holbrook, Robert G.

Johnson, Carl R.

Rice, Thomas E. P., Jr.

Salatiello, Thomas B.

Turner, Robert H.

Vogler, Charles C.

Ziegra, Alice S.

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Beach, Mildred A.

Bradley, Jeb E.

Chandler, Gene G.

Daly, Robert J., Jr.

Dickinson, Howard C.

Dodge, A. Gibb, Jr.

Foster, Robert W.

Jean, Robert R.

Saunders, Howard N.

Wiggin, Allen R.

Wiggin, Gordon E.

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Burnham, Daniel M.

Champagne, Richard L.

Cole, Stacey W.

Feuer, Joseph N.

Grodin, Richard A.

Hogan, James B.

Hunt, John B.

Kennison, Wayne A.

Kingsbury, H. Thayer

Laurent, John J.

Mohr, Frederick C., Jr.

Pearson, Gertrude B.

Perry, David M.

Riley, William A.

Sawyer, Alfred P.

Young, David A.

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Buckley, C. Fitzgerald

Guay, Lawrence J.

Horton, Lynn C.

Kilbride, Dennis J.

Marsh, Beaton

Merrill, Gerald P.

Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.

Bean, Pamela B.

Brown, Channing T.

Brown, Patricia B.

Christy, C. Dana

Copenhaver, Marion L.

Dow, David

Driscoll, William J.

Hill, Richard L.

LaMott, Paul I.

Larson, Nils H., Jr.

Lougee, Richard W.

Nielsen, Niels F., Jr.

Scanlan, David M.

Shackett, Ralph E.

Teschner, Douglass P.

Trelfa, Richard T.

Wadsworth, Karen O.

Ward, Kathleen W.

White, Paul R.

**HILLSBOROUGH**

Ackerman, Philip M.

Ahrens, Frederick G.

Alukonis, David J.

Amidon, Eleanor H.

Andrews, Frederick B.

Arnold, Barbara E.

Baldizar, Barbara J.

Baroody, Benjamin C.

Bourque, Ann J.

Bowers, Dorothy C.

Buckley, Raymond

Calawa, Leon, Jr.

Carpenter, Karen A.  
 Daigle, Robert A.  
 Dodge, Emma M.  
 Drabinowicz, A. Theresa  
 Dyer, Merton S.  
 Ferlan, Arthur P.  
 Gagnon, Eugene L.  
 Green, Scott E.  
 Hall, Betty B.  
 Healy, Walter F.  
 Jean, Romeo W.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Lown, Elizabeth D.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Peters, Stanley W.  
 Rodgers, G. Philip  
 Soucy, Richard A.  
 Upton, Barbara A.  
 Wheeler, Robert L.

Cook, Valerie S.  
 Daniels, Gary L.  
 Domaingue, Jacquelyn M.  
 Drolet, Paul L.  
 Emerton, Lawrence A.  
 Fields, Dennis H.  
 Gosselin, Gerald O.  
 Greenglass, Alan B.  
 Hanselman, Gregory L.  
 Holden, Carol H.  
 Johnson, Lionel W.  
 King, Frank P.  
 Larochelle, Roger B.  
 Lozeau, Donnalee M.  
 McDowell, James E.  
 Messier, Irene M.  
 Nardi, Theodora P.  
 Record, Alice B.  
 Rothhaus, Finlay C.  
 Stiles, Walter A.  
 Vanderlosk, Stanley R.

Cowenhoven, Garret P.  
 Desrosiers, William J.  
 Donovan, Francis X.  
 Durham, Susan B.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Goulet, Maurice E.  
 Haettenschwiller, Alphonse  
 Healy, Daniel J.  
 Hultgren, David D.  
 Kelley, Dana F.  
 Kurk, Neal M.  
 Laughlin, J. Francis  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Moore, Elizabeth A.  
 Packard, Bonnie B.  
 Robinson, Ellen-Ann  
 Sallada, Roland A.  
 Turgeon, Roland M.  
 Wheeler, David K.

### MERRIMACK

Apple, Lowell D.  
 Carter, Susan D.  
 Christie, Thomas J.  
 Fair, Patricia A.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Weeks, John F., Jr.

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Daneault, Gabriel J.  
 Feuerstein, Martin  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Lockwood, Robert A.  
 Stio, Peter M.  
 Yeaton, Charles B.

Boucher, Laurent J.  
 Chandler, John P.  
 Dunn, Miriam D.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, C. William  
 Millard, Elizabeth S.  
 Teague, Bert

### ROCKINGHAM

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 DiPietro, Carmela M.  
 Drake, Herbert R.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 McCarthy, John J., Jr.  
 Melnick, Roy E.  
 Pantelakos, Laura C.

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Clark, Martha Fuller  
 Cooke, Annette M.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Haynes, Richard  
 Hurst, Sharleene P.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McGovern, Cynthia A.  
 Packard, Sherman A.  
 Parr, Ednappearl F.

Benton, Richardson D.  
 Chase, Lawrence A., Jr.  
 Connell, David R.  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Hoar, John, Jr.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 McKinney, Betsy  
 Palazzo, Frank J.  
 Raynowska, Bernard J.

Schmidtchen, Rowland H.  
Smith, Arthur W.  
Sytek, John J.  
Welch, David A.

Senter, Marilyn P.  
Syracusa, Anthony  
Thayer, Leroy C.  
Wells, Henry E.

Skinner, Patricia M.  
Sytek, Donna P.  
Tufts, Arthur  
Woods, Deborah L.

### STRAFFORD

Bickford, Drucilla  
Foss, Patricia H.  
Keans, Sandra B.  
Knowles, William V.  
O'Brien, John  
Torr, Ann M.  
Wall, Janet G.

Douglass, Clyde J.  
Frechette, Roland A.  
Kincaid, William K.  
Marston, Robert E.  
Pelley, Janet R.  
Torr, Ralph W.  
Young, John B.

Flynn, Edward J.  
Gilmore, Gary R.  
Kinney, Paula J.  
Nehring, William H.  
Sullivan, Henry P.  
Tsiros, William

### SULLIVAN

Behrens, Thomas A.  
Porter, Robert H.

Domini, Irene C.  
Schotanus, Merle W.

Middleton, John A.  
Walsh, Robert R.

### NAYS 78

### BELKNAP

Joscelyn, William W.  
Shibley, Arnold P.

Maviglio, Steven R.  
Zaharchuk, Peter J., Jr.

Rosen, Ralph J.

### CARROLL

None

### CHESHIRE

Clark, Eugene W.  
Doucette, Richard F.

Cole, Kenneth A.  
Foster, Katherine D.

DePecol, Benjamin J.

### COOS

Coulombe, Henry W.  
Nelson, Harold D.

Hawkinson, Marie C.  
Theriault, Romeo J.

Mayhew, Josephine

### GRAFTON

Chambers, Mary P.  
Nordgren, Sharon L.

Guest, Robert H.

McIlwaine, Deborah P.

### HILLSBOROUGH

Burke, Stephen J.  
Cote, David E.  
Fenton, James J.  
Jasper, Shawn N.  
Leclerc, Charles J.  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Smith, Leonard A.

Chasse, Richard D.  
Desrochers, Gerard T.  
Gureckis, Adam C., Sr.  
Jean, Claudette R.  
Martin, Mary Ellen  
Ouellette, Robert O.  
Reidy, Frank J.  
Soucy, Donna M.

Clemons, Jane A.  
Elliott, Larry G.  
Janas, Gregory  
L'Heureux, Robert J.  
McRae, Karen K.  
Paquette, Rodolphe G.  
Searles, Stanley N., Sr.  
White, John M.

### MERRIMACK

Barberia, Richard A.  
Letourneau, George E.  
Soldati, Jennifer G.

Braiterman, Thea  
Molner, Mary E.  
Trombly, Rick A.

Johnson, Joyce M.  
Smith, Gerald R.  
Wallner, Mary Jane



**ROCKINGHAM**

Boucher, William P.  
Hutchinson, Karen K.  
MacDonald, Joseph A.  
Terninko, Margaret B.

Dube, LeRoy S.  
Johnson, Robert A.  
Malcolm, Kenneth W.  
Warburton, Calvin

Flanders, David A.  
Kane, Cecelia D.  
Rosencrantz, James R.

**STRAFFORD**

Corte, Arthur B.  
Jankowski, Peter M.  
Pageotte, Donald P.  
Wheeler, Katherine W.

Hambrick, Patricia A.  
McCann, William H., Jr.  
Spencer, Leo J.

Hashem, Elaine M.  
Merrill, Amanda A.  
Vincent, Francis C.

**SULLIVAN**

Burling, Peter Hoe  
Peyron, Fredrik

Flint, Gordon B.  
Rodeschin, Beverly T.

Krueger, Richard H.

and the Committee report was adopted.

Ordered to third reading.

Reps. Rubin and Whittemore notified the Clerk that they wished to be recorded in favor of the Committee report.

Rep. Elliott notified that Clerk that he inadvertently voted nay and intended to vote yea.

**SB 474-FN**, relative to regular sessions of a district court in towns within the district. **OUGHT TO PASS.**

Rep. Alf E. Jacobson for Judiciary: **SB 474** ends the satellite court system, and is a companion piece to **SB 452**. Vote 11-4.

Adopted.

Ordered to third reading.

## **COMMITTEE REPORTS CONSENT CALENDAR**

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**SB 370**, relative to health insurance coverage for scalp hair prostheses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: The bill requires all health insurers, hospital service corporations, medical service corporations, nonprofit health service corporations, and health maintenance organizations, which provide coverage for prostheses, to provide coverage for scalp hair prostheses worn for hair loss resulting from alopecia or permanent loss of scalp hair due to injury. Coverage is subject to a written recommendation from the treating physician stating that the prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses. The bill defines prostheses and scalp hair prostheses. Vote 14-4.

5811L

**Amendment**

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Accident and Health Insurance Coverage. Amend RSA 415 by inserting after section 18-b the following new section:

**415:18-c Coverage for Scalp Hair Prostheses.**

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses and which also provides coverage for other prostheses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata, alopecia totalis, or permanent loss of scalp hair due to injury. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses.

**II. For the purposes of this section:**

(a) "Prostheses" means artificial appliances used to replace lost natural structures. Prostheses include, but are not limited to, artificial arms, legs, breasts or glass eyes.

(b) "Scalp hair prostheses" means artificial substitutes for scalp hair that are made specifically for a specific individual.

2 New Section; Hospital Service Corporations. Amend RSA 419 by inserting after section 5-b the following new section:

**419:5-c Coverage for Scalp Hair Prostheses.**

I. Every hospital service corporation and every other similar corporation licensed under the laws of another state, which provides coverage for other prostheses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata, alopecia totalis, or permanent loss of scalp hair due to injury. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses.

**II. For the purposes of this section:**

(a) "Prostheses" means artificial appliances used to replace lost natural structures. Prostheses include, but are not limited to, artificial arms, legs, breasts or glass eyes.

(b) "Scalp hair prostheses" means artificial substitutes for scalp hair that are made specifically for a specific individual.

3 New Section; Medical Service Corporations. Amend RSA 420 by inserting after section 5-c the following new section:

**420:5-d Coverage for Scalp Hair Prostheses.**

I. Every medical service corporation and every other similar corporation licensed under the laws of another state, which provides coverage for other prostheses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata, alopecia totalis, or permanent loss of scalp hair due to injury. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses.

**II. For the purposes of this section:**

(a) "Prostheses" means artificial appliances used to replace lost natural structures. Prostheses include, but are not limited to, artificial arms, legs, breasts or glass eyes.

(b) "Scalp hair prostheses" means artificial substitutes for scalp hair that are made specifically for a specific individual.

4 New Section; Nonprofit Health Service Corporations. Amend RSA 420-A by inserting after section 7-d the following new section:

420-A:7-e Coverage for Scalp Hair Prostheses.

I. Every nonprofit health service corporation and every other similar corporation licensed under the laws of another state, which provides coverage for other prostheses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses for scalp hair prostheses worn for hair loss suffered as a result of alopecia areata, alopecia totalis, or permanent loss of scalp hair due to injury. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses.

II. For the purposes of this section:

(a) "Prostheses" means artificial appliances used to replace lost natural structures. Prostheses include, but are not limited to, artificial arms, legs, breasts or glass eyes.

(b) "Scalp hair prostheses" means artificial substitutes for scalp hair that are made specifically for a specific individual.

5 New Section; Health Maintenance Organizations. Amend RSA 420-B by inserting after section 8-d the following new section:

420-B:8-e Benefits for Scalp Hair Prostheses.

I. Benefits for scalp hair prostheses shall conform to the requirements of RSA 415:18-c. Such benefits shall not be subject to any greater deductible than any other prostheses benefits provided by the health maintenance organization. The coinsurance required by the enrolled participant shall not exceed the amount allowed under the contract for the reasonable and customary charge for the services provided. Such coverage, however, shall be subject to a written recommendation by the treating physician stating that the hair prosthesis is a medical necessity. Such coverage shall be subject to the same limitations and guidelines as other prostheses.

II. For the purposes of this section:

(a) "Prostheses" means artificial appliances used to replace lost natural structures. Prostheses include, but are not limited to, artificial arms, legs, breasts or glass eyes.

(b) "Scalp hair prostheses" means artificial substitutes for scalp hair that are made specifically for a specific individual.

6 Effective Date. This act shall take effect January 1, 1993.

#### AMENDED ANALYSIS

This bill requires all health insurers, hospital service corporations, medical service corporations, nonprofit health service corporations, and health maintenance organizations, which provide coverage for prostheses, to provide coverage for scalp hair prostheses worn for hair loss resulting from alopecia areata, alopecia totalis, or permanent loss of scalp hair due to injury. Coverage is subject to a written recommenda-

tion from the treating physician stating that the prosthesis is a medical necessity and is subject to the same limitations and guidelines as other prostheses.

**SB 362**, redefining proprietary medicines to include nonprescription medicines and exempting non-pharmacy retail stores and outlets from classification as pharmacies for the purpose of RSA 318. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs: The Committee listened to the pros and cons, concluding that the public would be best served by passing the bill as it clarifies the law. Vote 13-0.

5537L

#### Amendment

Amend the bill by replacing section 2 with the following:

2 Non-Prescription Drug Sale or Possession. Amend RSA 318:42, V to read as follows:

V. The sale and distribution of [proprietary medicines] **nonprescription drugs** as defined in RSA 318:1, XVIII by **non-pharmacy retail stores and outlets. Retail stores and outlets engaging in the sale and distribution of such items shall not be deemed to be improperly engaged in the practice of pharmacy. No rule shall be adopted by the board under this chapter which shall require the sale of nonprescription drugs by a licensed pharmacist or under the supervision of a licensed pharmacist, provided that this section shall not prevent or interfere with the authority of the director of public health services to make a determination that a specific product may only be dispensed upon a written prescription of a practitioner, as set forth in RSA 146:6, XI.**

**SB 453-FN**, relative to involuntary commitment procedures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The purpose of this bill is to address a serious problem for families with adult children who are mentally ill. This bill gives community mental health centers or facilities legal authority to tell families that provide care for their adult members the basic facts about their illness, their treatment, medications and their side effects. It also allows mental health facilities or health care providers to exchange health information with the same safeguards to the client. Under the present confidentiality laws the right hand is prevented from knowing what the left is doing. This bill allows for limited guardianship only for health care reasons, as a result of involuntary emergency admission. Vote 14-0.

5643L

#### Amendment

Amend RSA 135-C:19-a as inserted by section 1 of the bill by replacing it with the following:

135-C:19-a Disclosure of Certain Information.

I. Notwithstanding RSA 329:26 and RSA 330-A:19, a community mental health center or state facility providing services to seriously or chronically mentally ill clients may disclose information regarding diagnosis, admission to or discharge from a treatment facility, functional assessment, the name of the medicine prescribed, the side effects of any medication prescribed, behavioral or physical manifestations which would result from failure of the client to take such prescribed medication, treatment plans and goals and behavioral management strategies to a family member



or other person, if such family member or person lives with the client [and] or provides direct care to the client. The mental health center or facility shall provide a written notice to the client which shall include the name of the person requesting the information, the specific information requested and the reason for the request. Prior to the disclosure, the mental health center or facility shall request in writing the consent of the client. If consent cannot be obtained, the client shall be informed of the reason for the intended disclosure, the specific information to be released and the person or persons to whom the disclosure is to be made.

**II. Notwithstanding RSA 329:26 and RSA 330-A:19, when the medical director or designee determines that obtaining information is essential to the care or treatment of a person admitted pursuant to RSA 135-C:27-54, a designated receiving facility may request, and any health care provider which previously provided services to any person involuntarily admitted to the facility may provide, information about such person limited to medications prescribed, known medication allergies or other information essential to the medical or psychiatric care of the person admitted. Prior to requesting such information the facility shall in writing request the person's consent for such request for information. If the consent cannot be obtained the facility shall inform the person in writing of the care providers who have been requested to provide information to the facility pursuant to this section. The facility may disclose such information as is necessary to identify the person and the facility which is requesting the information. No care provider who discloses otherwise confidential information to a designated receiving facility following a request made pursuant to this section shall be held civilly or criminally liable for disclosing such information.**

Amend RSA 135-C:31, I as inserted by section 2 of the bill by replacing it with the following:

I. Within 3 days after an involuntary emergency admission, not including Sundays and holidays, and subject to the notice requirements of RSA 135-C:24, there shall be a probable cause hearing in the district court having jurisdiction to determine if there [is] was probable cause for involuntary emergency admission. The burden shall be on the petitioner to show that probable cause [exists] **existed**. The court shall render its written decision as soon as possible after the close of the hearing, but not later than the end of the court's next regular business day.

Amend the bill by deleting section 9 and renumbering the original sections 10 and 11 to read as 9 and 10.

Amend the bill by replacing section 10 with the following:

10 Effective Date. This act shall take effect October 1, 1992.

**SB 355**, requiring that deposits for the purchase or other disposition of manufactured housing be held in escrow accounts and relative to disposition of tenant's security deposits transferred due to foreclosures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth W. Malcolm for State Institutions and Housing: This bill will better protect security deposits in the manufactured housing industry and will correct a prior problem. Vote 13-0.

5582L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

## AN ACT

requiring that deposits for the purchase or other disposition of manufactured housing be held in escrow accounts.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Deposits for Purchase or Other Disposition of Manufactured Housing. Amend RSA 331-A by inserting after section 10 the following new section:

331-A:11 Escrow Accounts for Deposits for the Disposition of Manufactured Housing. Any deposit made in regard to any disposition of manufactured housing, by a manufactured housing park owner or dealer, shall be held in escrow by the seller in a special escrow account, designated for this purpose, until settlement or closing, provided, however, if such funds are being held by a real estate broker or attorney licensed under the laws of New Hampshire, they may be placed in that broker's or attorney's regular escrow account and need not be placed in a separate designated account. Such escrow funds shall not be subject to attachment by creditors of the seller including the event of a declaration of bankruptcy by the seller.

2 Effective Date. This act shall take effect upon its passage.

## AMENDED ANALYSIS

This bill requires that any deposit for the purchase or other disposition of manufactured housing be held in an escrow account and that such account shall not be subject to attachment by creditors in the event of bankruptcy of the seller of the manufactured housing.

## REGULAR CALENDAR

**SB 363**, relative to health insurance coverage of autologous bone marrow transplants. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Patricia A. Fair for the Majority of Commerce, Small Business and Consumer Affairs: This is a very difficult and emotional issue since it affects the life and death of those with end stage breast cancer. The bill proposes to have insurers pay for autologous bone marrow transplants (ABMT) for breast cancer clinical trials done under protocols established the National Cancer Institute. Currently, ABMT is considered standard treatment for the leukemias, neuroblastomas and Hodgkin's disease. There is disagreement in the medical community about whether or not the procedure is experimental, investigatory or standard treatment in the case of breast cancer.

There are 24 sites nationwide that are conducting clinical trials on ABMT and breast cancer. Mary Hitchcock and Dana Farber are the regional clinical trial sites. A clinical trial (according to the National Cancer Institute) is designed to answer research questions on treatments such as surgery, radiation therapy, chemotherapy or biological therapy. Although the treatments being studied appear to be promising, they may be as effective, more effective, or less effective than standard therapy. The treatments described may also have side effects. Each study enrolls patients with certain types and stages of cancer and similar health status. These are called "entry criteria." ABMT for breast cancer can only be received at one of the 24 sites in the country. Those sites receive research grants from the National Cancer Institute for physicians costs, drugs, research assistants, data analysis and university overhead, but not patient costs. Women who meet the clinical entry criteria and wish to participate must obtain payment for their hospital costs from some other source such as insurance, donations, etc. Once accepted into the clinical trials, a detailed informed

consent (10 pages in the case of Dana Farber) is required and monitoring by the institution's Human Subjects (Research) Committee is required. The cost of the procedure averages \$120,000. The survival rate nationally, at this time, is 30%.

This bill would pay only for clinical trials for women who had health insurance through an insurance carrier. It is important to know who this bill does not cover: those who work for entities that self-insure (currently 65% of the insureds in the state); those on Medicaid, those on Medicare and the 100,000 women who lack health insurance in New Hampshire. The majority of those left to whom this bill applies would be small and moderate sized businesses who purchase their health insurance. Should one of these cases occur in a small business, such as the one in Amherst who had one high cost case resulting in annual premiums per employee of \$17,000, there is the risk of increasing the number of the uninsured.

The subcommittee held two additional meetings, solicited medical, financial and legal information from Mary Hitchcock Hospital, the Norris Cotton Cancer Center and the insurance industry. Unfortunately, all parties have a conflict as there are financial implications whichever way the decision is made. The two groups who could provide an independent opinion regarding the status of the ABMT (whether it is experimental or standard therapy), the New Hampshire Medical Society and the New Hampshire Chapter of the American Cancer Society could not take a position on the bill at this time. The New Hampshire Medical Society recommends further study and the American Cancer Society expects to have its formal opinion in June. What is being asked of lay people is to make a complex decision without sufficient, unbiased evidence. The committee in a vote of 13 to 5 determined that further information and time is needed on this bill prior to a final vote and therefore established a study committee to continue to look at this issue and make a final recommendation regarding legislation by November 1, 1992. The study committee is composed of members of the House and Senate, the Insurance Department, Mary Hitchcock Hospital, insurance companies, the public, the New Hampshire Medical Society, the New Hampshire Hospital Association and the New Hampshire Chapter of the American Cancer Society. This study is needed to determine the following:

1. Is ABMT for breast cancer still experimental/investigatory or is it standard treatment?;
2. If it is standard treatment, is it so in all cases or in some? What are those cases?;
3. What methods of funding should there be for women who agree to participate in clinical trials?;
4. What is the appropriate payment mechanism for experimental or investigatory procedures?;
5. Would this be considered an unfunded mandate on cities, towns, counties and school districts since we are mandating that a certain coverage be offered on health insurance policies? Vote 13-5.

Rep. Thea Braiterman for the Minority of Commerce, Small Business and Consumer Affairs: Lengthy and substantial testimony before the Committee clearly demonstrated that autologous bone marrow transplants are no longer experimental, but are considered a medical necessity. The cost to insurers, according to industry testimony, is only pennies per policy because only 9-12 women each year require this treatment. This is the same procedure that restored Senator Tsongas to health and is now found to be effective for certain breast cancers. Insurers in Maine, Massachusetts and Vermont reimburse policy holders for this procedure when medically required; but New Hampshire Blue Cross/Blue Shield and some other New Hampshire insurers refuse to

do so. The Minority believes that this glaring inequity in the payment for hospital costs of autologous bone marrow transplants for qualified breast cancer patients must be corrected. The amendment to SB 363 creates an elaborate and unnecessary study committee. The delay caused by such a study would cost lives, engender litigation and increase costs to all. We recommend that SB 363 ought to pass without amendment.

Rep. Burnham moved that the words Ought to Pass be substituted for the report of the Committee, Ought to Pass with Amendment spoke in favor and yielded to questions.

Rep. William Riley requested a quorum count.

The Speaker declared a quorum present.

Rep. William Riley spoke in favor.

Reps. Foss, Hogan, Jasper and Fair spoke against and yielded to questions.

**(Rep. Michael Hill in the Chair)**

Reps. Hunt, Elizabeth Moore and Fuller-Clark spoke in favor and yielded to questions.

**(Speaker Burns in the Chair)**

Roll call request sufficiently seconded.

Rep. Terninko declared that a conflict of interest existed and she did not participate.

The question being the adoption of the substitute motion.

**YEAS 176**

**NAYS 150**

**YEAS 176**

**BELKNAP**

Campbell, Richard H., Jr.  
Maviglio, Steven R.

Golden, Paul A.  
Shibley, Arnold P.

Joscelyn, William W.

**CARROLL**

Bradley, Jeb E.

Wiggin, Allen R.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Stacey W.  
Grodin, Richard A.  
Riley, William A.

Champagne, Richard L.  
DePecol, Benjamin J.  
Hunt, John B.  
Young, David A.

Clark, Eugene W.  
Doucette, Richard F.  
Kingsbury, H. Thayer

**COOS**

Coulombe, Henry W.  
Mayhew, Josephine

Hawkinson, Marie C.  
Merrill, Gerald P.

Kilbride, Dennis J.  
Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
Chambers, Mary P.  
Dow, David  
Lougee, Richard W.  
Scanlan, David M.

Bean, Pamela B.  
Christy, C. Dana  
Guest, Robert H.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

Brown, Patricia B.  
Copenhaver, Marion L.  
LaMott, Paul I.  
Nordgren, Sharon L.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Daigle, Robert A.  
Domaingue, Jacquelyn M.

Alukonis, David J.  
Buckley, Raymond  
Clemons, Jane A.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa

Baldizar, Barbara J.  
Burke, Stephen J.  
Cote, David E.  
Dodge, Emma M.  
Elliott, Larry G.



Emerton, Lawrence A.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Johnson, Lionel W.  
King, Frank P.  
Laroche, Roger B.  
Lown, Elizabeth D.  
McRae, Karen K.  
Nardi, Theodora P.  
Pepino, Leo P.  
Soucy, Donna M.  
Upton, Barbara A.

Ford, Nancy M.  
Hall, Betty B.  
Janas, Gregory  
Jordan, Mary H.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
Messier, Irene M.  
O'Rourke, Joanne A.  
Reidy, Frank J.  
Soucy, Richard A.  
White, John M.

Green, Scott E.  
Hanselman, Gregory L.  
Jean, Claudette R.  
Kelley, Robert N.  
Lachut, Ervin R.  
Leclerc, Charles J.  
Martin, Mary Ellen  
Moore, Elizabeth A.  
Paquette, Rodolphe G.  
Smith, Leonard A.  
Tarpley-Bamberger, Nancy L.

### MERRIMACK

Apple, Lowell D.  
Braiterman, Thea  
Feuerstein, Martin  
Gross, Caroline L.  
Jacobson, Alf E.  
Letourneau, George E.  
Soldati, Jennifer G.  
Whittemore, James A.

Asplund, Bronwyn L.  
Daneault, Gabriel J.  
Fillion, Paul R.  
Hall, Douglas E.  
Johnson, C. William  
Millard, Elizabeth S.  
Trombly, Rick A.  
Yeaton, Charles B.

Barberia, Richard A.  
Dunn, Miriam D.  
Gilbreth, Robert M.  
Hill, Michael J.  
Johnson, Joyce M.  
Molner, Mary E.  
Wallner, Mary Jane

### ROCKINGHAM

Barnes, John S., Jr.  
Clark, Martha Fuller  
DiPietro, Carmela M.  
Drake, Herbert R.  
Haynes, Richard  
Johnson, Robert A.  
MacDonald, Joseph A.  
McKinney, Betsy  
Palazzo, Frank J.  
Rubin, George R.  
Skinner, Patricia M.  
Warburton, Calvin

Bell, Juanita L.  
Connell, David R.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Hoelzel, Kathleen M.  
Kane, Cecelia D.  
Malcolm, Kenneth W.  
Melnick, Roy E.  
Pantelakos, Laura C.  
Schanda, Joseph, Sr.  
Syracusa, Anthony  
Woods, Deborah L.

Caswell, Albert, Jr.  
Cote, Patricia L.  
Dowling, Patricia A.  
Flanders, Harry E.  
Hurst, Sharleene P.  
Katsakiores, George N.  
McGovern, Cynthia A.  
Packard, Sherman A.  
Roulston, Donald L.  
Senter, Marilyn P.  
Vaughn, Charles L.

### STRAFFORD

Brown, Julie M.  
Gilmore, Gary R.  
Jankowski, Peter M.  
Knowles, William V.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Torr, Ann M.  
Young, John B.

Corte, Arthur B.  
Hambrick, Patricia A.  
Keans, Sandra B.  
Marston, Robert E.  
Nehring, William H.  
Pelley, Janet R.  
Wall, Janet G.

Frechette, Roland A.  
Hashem, Elaine M.  
Kincaid, William K.  
McCann, William H., Jr.  
O'Brien, John  
Spencer, Leo J.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Flint, Gordon B.  
Walsh, Robert R.

Burling, Peter Hoe  
Harland, Jane A.

Domini, Irene C.  
Schotanus, Merle W.

### NAYS 150 BELKNAP

Bartlett, Gordon E.  
Johnson, Carl R.  
Turner, Robert H.

Cain, Thomas G.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

Holbrook, Robert G.  
Rosen, Ralph J.  
Ziegra, Alice S.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Jean, Robert R.

Beach, Mildred A.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

Chandler, Gene G.  
Foster, Robert W.  
Wiggin, Gordon E.

### CHESHIRE

Cole, Kenneth A.  
Hogan, James B.  
Metzger, Katherine H.  
Perry, David M.

Feuer, Joseph N.  
Kennison, Wayne A.  
Mohr, Frederick C., Jr.  
Sawyer, Alfred P.

Foster, Katherine D.  
Laurent, John J.  
Pearson, Gertrude B.

### COOS

Guay, Lawrence J.  
Pratt, Leighton C.

Horton, Lynn C.  
Theriault, Romeo J.

Marsh, Beaton

### GRAFTON

Brown, Channing T.  
Larson, Nils H., Jr.  
Trelfa, Richard T.

Driscoll, William J.  
Nielsen, Niels F., Jr.

Hill, Richard L.  
Shackett, Ralph E.

### HILLSBOROUGH

Ahrens, Frederick G.  
Arnold, Barbara E.  
Calawa, Leon, Jr.  
Daniels, Gary L.  
Drolet, Paul L.  
Fenton, James J.  
Fields, Dennis H.  
Goulet, Maurice E.  
Healy, Daniel J.  
Jasper, Shawn N.  
Kurk, Neal M.  
McDowell, James E.  
Murphy, Robert E.  
Peters, Stanley W.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Vanderlosk, Stanley R.

Amidon, Eleanor H.  
Baker, George H., Sr.  
Carpenter, Karen A.  
Desrosiers, William J.  
Durham, Susan B.  
Ferguson, Charles  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Holden, Carol H.  
Jean, Romeo W.  
Mason, Howard F.  
McNerney, Daniel P.  
Ouellette, Robert O.  
Record, Alice B.  
Rothaus, Finlay C.  
Stiles, Walter A.  
Wheeler, David K.

Andrews, Frederick B.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Donovan, Francis X.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Haettenschwiller, Alphonse  
Hultgren, David D.  
Kelley, Dana F.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Packard, Bonnie B.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Turgeon, Roland M.  
Wheeler, Robert L.

### MERRIMACK

Boucher, Laurent J.  
Chandler, John P.  
Hager, Elizabeth S.  
Lewis, Mary Ann  
Smith, Gerald R.  
Weeks, John F., Jr.

Carter, Susan D.  
Christie, Thomas J.  
Hayes, Robert C.  
Lockwood, Robert A.  
Stio, Peter M.

Chandler, Earle W.  
Fair, Patricia A.  
Holmes, Mary C.  
Nichols, Avis B.  
Teague, Bert

**ROCKINGHAM**

Benton, Richardson D.	Boucher, William P.	Conroy, Janet M.
Dube, LeRoy S.	Flanagan, Natalie S.	Flanders, David A.
Flanders, John W., Sr.	Ford, Bert H.	Gage, Beverly A.
Greene, Elizabeth A.	Hoar, John, Jr.	Katsakiores, Phyllis
Klemarczyk, Thaddeus E.	Klemm, Arthur P., Jr.	Lovejoy, Virginia K.
McCain, William F.	McCarthy, John J., Jr.	Raynowska, Bernard J.
Rosencrantz, James R.	Schmidtchen, Rowland H.	Smith, Arthur W.
Sytek, Donna P.	Sytek, John J.	Thayer, Leroy C.
Tufts, Arthur	Welch, David A.	Wells, Henry E.

**STRAFFORD**

Bickford, Drucilla	Douglass, Clyde J.	Flynn, Edward J.
Foss, Patricia H.	Kinney, Paula J.	Sullivan, Henry P.
Torr, Ralph W.	Tsiros, William	Vincent, Francis C.

**SULLIVAN**

Behrens, Thomas A.	Krueger, Richard H.	Middleton, John A.
Peyron, Fredrik	Porter, Robert H.	Rodeschin, Beverly T.

and the substitute motion was adopted.

Ordered to third reading.

Rep. Arnesen notified that Clerk that she wished to be recorded in favor of the substitute motion.

**SB 385**, to provide insurance coverage for court-ordered psychiatric and psychological services. **OUGHT TO PASS**

Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs: This bill prohibits health insurers from denying insurance benefits for psychiatric and psychological services solely because they are rendered in compliance with a court order. In some cases, coverage has been denied that normally would have been paid for if it had not been court ordered. This does not add a new mandate. Rather it requires coverage when services are provided within the terms and limitations of the policy. Vote 12-4.

Adopted.

Ordered to third reading.

**SB 327**, establishing a committee to study the effects of substance abuse on health care costs of the state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marilyn P. Senter for Health, Human Services and Elderly Affairs: Originally, the proposed study committee would have looked into only health care costs resulting from substance abuse. The Committee and sponsors, feel that all costs, including but not limited to educational, judicial, correctional and health care, should be looked into; therefore two additional members are to be included, one from New Hampshire DWI Prevention Council and one from the Administrative Office of the Courts. Vote 16-0.

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The Committee rejected an amendment to Senate Bill 327 that would have exempted the Pease Development Authority from abiding by the Certificate of Need Review Board process that determines need in New Hampshire. The Committee did not support the concept of circumventing a law that is working well to give special consideration to only one rehabilitation hospital from Massachusetts that is not even accredited by the

commission that oversees rehabilitation facilities. Furthermore, no one could substantiate the statement that about 500 jobs would be created in the Pease area. At best the few jobs generated would be at the entry level, i.e., housekeeping, janitorial, etc. The Committee supports the carefully planned development of Pease, but felt the amendment did not fulfill this goal. Vote 2-16.

5486L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

establishing a committee to study the effects of substance abuse  
on health care and economic costs of the state.

Amend the introductory paragraph of section 1 of the bill by replacing it with the following:

1 Committee Established; Membership. There is established a committee to study the effects of substance abuse on health care and economic costs to the state. The membership of the committee shall be as follows:

Amend section 1 of the bill by inserting after paragraph XI the following new paragraphs:

XII. A member of the New Hampshire DWI Prevention Council, appointed by such council.

XIII. The director of the administrative office of the courts.

Amend the bill by replacing section 2 with the following:

2 Duties. The committee shall study the effects of substance abuse on health care and economic costs to the state, including but not limited to, costs related to premature birth, job loss, education, the criminal justice system, and the correctional system. The committee shall study the effects of both legal and illegal substances.

### **AMENDED ANALYSIS**

This bill establishes a committee to study the effects of substance abuse, both legal and illegal, on health care and economic costs to the state. The committee is to submit its report together with recommendations for legislation to the president of the senate, the speaker of the house and the governor on or before November 1, 1992.

Adopted.

Report adopted.

Ordered to third reading.

### **RECONSIDERATION**

Having voted with the prevailing side, Rep. Warburton moved that the House reconsider its action whereby it read a third time and passed **SB 321**, repealing an exemption for town clerks relative to voter registration, and return the bill to second reading.

Reps. Warburton, Gross and Trombly spoke in favor.

Reconsideration prevailed and the question was to order the bill to third reading.

Rep. Warburton offered a floor amendment.

5745L

### **Floor Amendment**

Amend the bill by replacing section 5 with the following:

5 Permitting Changes in Party Affiliation with Town or City Clerk. Amend RSA 654:34-a, I to read as follows:



1. A town or city [may] **shall** permit changes in party affiliation to be registered with a town or city clerk.

6 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill amends the election laws by:

(1) Repealing the provision in the election laws which permits a town to vote to have the supervisors of the checklist, rather than the town clerk, accept applications from persons to have their names added to the checklist.

(2) Requiring town and city clerks to accept applications from such persons according to certain conditions.

(3) Repealing the provision in the election laws which requires a city or town to vote to permit applications for changes in party affiliation to be made with the city or town clerk, and requiring that cities and towns shall permit such applications for changes in party affiliation.

Adopted.

Ordered to third reading.

#### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet April 21 at 1:00 p.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

**SB 452-FN-L**, redistricting certain district courts.

**SB 474-FN**, relative to regular sessions of a district court in towns within the district.

**SB 370**, relative to health insurance coverage for scalp hair prostheses.

**SB 362**, redefining proprietary medicines to include nonprescription medicines and exempting non-pharmacy retail stores and outlets from classification as pharmacies for the purpose of RSA 318.

**SB 453-FN**, relative to involuntary commitment procedures.

**SB 355**, requiring that deposits for the purchase or other disposition of manufactured housing be held in escrow accounts and relative to disposition of tenant's security deposits transferred due to foreclosures.

**SB 363**, relative to health insurance coverage of autologous bone marrow transplants.

**SB 385**, to provide insurance coverage for court-ordered psychiatric and psychological services.

**SB 327**, establishing a committee to study the effects of substance abuse on health care costs of the state.

**SB 321**, repealing an exemption for town clerks relative to voter registration.

#### UNANIMOUS CONSENT

Rep. Lown moved that the remarks of Rep. Lozeau be printed in the Journal.

Adopted.

Rep. Lozeau addressed the House by unanimous consent.

Thank you Mr. Speaker. We passed two laws relative to habitual offenders this year. It has been brought to my attention by the Department of Corrections, that some counties, now that the law has passed, are assuming that they can send some of their inmates up to the State. This clearly was not our intent.

I have written a small blurb that I will read. If it is moved to be put in the Journal, it will allow the state correctional facility to show the counties what our intent clearly was.

Committee Intent Relative to HB 410:

The 1992 Legislative Session passed new laws relative to habitual offenders. This is meant as a clarification of the intent of the new language.

In HB 410, amending 651:2, V, a-f, the intent was simply to be specific in including the "county correction facilities," relative to alternative sentencing. It was brought to the attention of the House Judiciary Committee, that when the Legislature adopted the policy relative to alternative sentencing, while it intended the same options for the county, but it was not clearly stated.

The new language does not allow the county to pass on or include its inmates in alternative sentencing programs operated by the State Correctional System. Rather, the intent is to allow counties the opportunity to institute their own programs for their own inmates.

Rep. Guay addressed the House by unanimous consent.

Rep. Greenglass moved that the remarks of Rep. Searles be printed in the Journal. Adopted.

Rep. Searles addressed the House by unanimous consent.

### This is My Land

This is my land oh treasured pile oh hallowed ground I tread, the mornings greet me fresh with dew the noontimes quickly fled, the evenings are my twilight zone and nighttime is my bed.

Its cities in their glories rise to touch the clouds above, its sleepy towns lie quietly like the cooing of the dove, each one a kingdom by itself each one a work of love.

Her streams go roaring on their way like torrents crashing down, from might rivers to babbling brooks through hills and fields and towns, and the laughter of her splashing surf on beaches as it pounds.

She ruptures forth her spume of fire volcanos might roar, and geysers up her waters font into the sky to soar, them vomits from her bowels deep the richness of her core.

Her mountains rise in majesty then slip to lonesome plains, from snow-capped peaks of blinding white to miles of waving grains, and forests green with verdant life wet with tender rains.

Its might belching industries like giant statues stand, its heaven a canopy of blue that covers all the land, from the modes little bungalow to the shores of sun bleached sand.

I love this might land of mine its sorrows smiles and zest, I love the chance to stand for her to live her worst and best, and when at last my race is run to sleep within her breast.

Rep. Gross moved that the House stand in recess for the purpose of enrolling reports only.

Adopted.

The House recessed at 5:23 p.m.

#### RECESS

Rep. Michael Hill moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 22

Tuesday, April 21, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

Most merciful God, we give You thanks for the warmth and beauty of this day. And we pray that You would inspire us with Your love, challenge us with Your truth, and empower us with Your strength, that we might live as people to whom nothing matters but the doing of Your will, in Your way, for Your world. Amen.

Rep. Betty Hall led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Julie Brown, LaMar, Morse, Parks, Parr, Stewart, Pepino and Walsh, the day, illness.

Reps. Marilyn Campbell, Scanlan, Carter, Dunn, Fair, David Flanders, Flint, Eugene Gagnon, Joyce Johnson, Lynch, Donald Messier, Millard, Molner, Schmidtchen, Richard Soucy, John Young and Zaharchuk, the day, important business.

Rep. Emma Dodge, the day, death in the family.

Reps. Appleby, Simon, Irene Pratt and Clemons, the day, illness in the family.

### INTRODUCTION OF GUESTS

Eleanor Cotton and Justin Rhodes, guests of Speaker Burns. Former Rep. Phoebe Chardon, guest of Speaker Burns. Peter Koutsoyianis, guest of Rep. Tsiros. Lisa and Colin Roberts, guests of Assistant Clerk Leo Callahan. Carl Koebler, grandson of Rep. Nardi. John C. Coffey, son of Rep. Coffey. Scott Celino, guest of Rep. Emerson.

### SENATE MESSAGES

#### ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 1026**, relative to a companion bill to the supplemental budget.

The President appointed Sens. Dupont, Hough and Blaisdell. Alternates: Sens. Wayne King and Delahunty.

### NONCONCURRENCE

**HB 343-FN**, to define total expenditures made during a state primary election.

**HB 477-FN**, relative to public hearings, notice, and the filing of rules under the administrative procedure act.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 61-FN**, repealing the prospective repeal of the victims' assistance fund and making technical corrections in the distribution of penalty assessment funds. (Amendment printed SJ 15, 4/7/92)

Rep. Hager moved that the House concur.

Adopted.

**HB 411**, relative to discrimination in the issuance of health insurance policies and relative to access to group plans. (Amendment printed SJ 17, 4/14/92)

Rep. Foss moved that the House concur.

Adopted.



**HB 1295**, prohibiting discrimination in insurance policies against elected or appointed officials. (Amendment printed SJ 16, 4/9/92)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Krueger, Porter, Mercer and Allison.

**HB 1330**, prohibiting certain credit card practices involving providers of travel services. (Amendment printed SJ 14, 4/9/92)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. C. Danna Christy, Hunt, Rogers and Baker.

**HB 1219-FN**, relative to recovery of assistance under the medicaid program. (Amendment printed SJ 17, 4/14/92)

Reps. Robert Foster and Hager moved that the House nonconcur.

Adopted.

**HB 526-FN**, relative to extended terms of imprisonment and transfers to the state prison. (Amendment printed SJ 15, 4/7/92)

Rep. Lown moved that the House concur.

Adopted.

**HB 693-FN**, relative to disclosure of tax records related to investigations by the attorney general and relative to forfeiture of items seized in connection with controlled drug offenses. (Amendment printed SJ 15, 4/7/92)

Reps. Lown and Hager moved that the House concur.

Adopted.

**HB 1123**, establishing procedures for representation in small claims court and authorizing persons to appear for corporations, partnerships, and trusts in district court. (Amendment printed SJ 15, 4/7/92)

Rep. Lown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Elizabeth Moore, Lockwood, Record and Burling.

**HB 1283-FN**, authorizing the human rights commission to award compensatory damages, levy administrative fines and award attorney's fees. (Amendment printed SJ 15, 4/7/92)

Rep. Lown moved that the House concur.

Adopted.

**HB 1287-L**, enabling certain municipalities to issue tax lien redemption notes and relative to the transfer tax liens. (Amendment printed SJ 18, 4/16/92)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Perry, Golden, Middleton and Ruth Gage.

**HB 1178**, extending the appropriation for the Manchester district court facility. (Amendment printed SJ 17, 4/14/92)

Rep. Gene Chandler moved that the House concur.

Adopted.

**HB 1114**, adding and changing certain definitions in the liquor laws and relative to the transportation of wine and liquor. (Amendment printed SJ 17, 4/14/92)

Rep. Robert Kelley moved that the House concur.

Adopted.

**HB 1296**, removing a prohibition on certain card games and permitting commercial motor vehicle racetrack facilities to make certain beverage sales. (Amendment printed SJ 17, 4/14/92)

Rep. Robert Kelley moved that the House concur.

Adopted.

**HB 1298**, allowing any municipal fire or police department, or independent emergency service, to record incoming and outgoing central dispatch and emergency telephone calls.

Rep. Rodeschin moved that the House concur.

Adopted.

### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

**SB 399-FN-L**, requiring rabies shots for cats.

The President appointed Sens. Heath, Cohen and Roberge.

Rep. Grodin moved that the House accede.

Adopted.

The Speaker appointed Reps. Grodin, Barnes, Eugene Clark and Fuller-Clark.

### COMMITTEE REPORTS CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 392**, relative to guardians ad litem, was removed at the request of Rep. Scott Green.

**SB 436-FN-L**, relative to aid to the permanently and totally disabled and the property tax exemption for the blind, was removed at the request of Rep. Baroody.

**SB 384**, relative to foreclosures and sale of mortgaged property, was removed at the request of Rep. Baroody.

Consent Calendar adopted.

**SB 397**, relative to long-term job supports for severely disabled persons. **INEXPEDIENT TO LEGISLATE**.

Rep. Pamela B. Bean for Appropriations: This bill would expand the supported employment program by providing long-term job support to severely disabled persons to enable them to maintain their employment. Since we only had testimony from one person at the public hearing and the committee found that at the present time there is no money for the existing program, we feel that it would be unwise to add more people to an unfunded program. Vote 18-0.

**SB 411-FN**, relative to special education catastrophic aid. **(A) OUGHT TO PASS WITH AMENDMENT**.

Rep. Mary Jane Wallner for Appropriations: The amendment would make the Department of Education liable for the cost of school district borrowing of funds for special education student costs in excess of 10 times the estimated state average expenditure per pupil. This bill and a similar bill, HB 1468, address a serious problem facing our local school districts which have very high cost special education placements. The estimated cost of interest to the state would potentially be a maximum of \$13,000 and would come from the Department of Education existing appropriations. Vote 18-0.

5806L

**Amendment**

Amend RSA 186-C:18, VIII as inserted by section 3 of the bill by replacing it with the following:

VIII. A school district shall raise and appropriate funds reflecting the total cost in meeting catastrophic special education student costs as provided under RSA 186-C:18, including the school district and department of education liability. A school district may issue reimbursement anticipation notes as provided for in RSA 198:20-d to be redeemed upon receipt of reimbursement from the state. The department of education shall be liable for the cost of the school districts borrowing of any funds for special education student costs over 10 times the estimated state average expenditure per pupil.

**SB 414-FN**, authorizing a pilot program in one county for investigative services for attorneys providing counsel to indigent defendants. OUGHT TO PASS.

Rep. Robert G. Holbrook for Appropriations: Appropriations agrees with the House that this pilot program to provide investigative services for counsel for indigent defense is a good idea to start in one county to be selected by the Judicial Council. There is no appropriation in this bill. Vote 18-0.

**SB 425-FN-L**, relative to statement of expenses for costs incurred for response to forest and brush fires. (A) OUGHT TO PASS.

Rep. David E. Cote for Appropriations: This bill requires fire wardens to include the cost of services rendered by volunteers in their statement of expenses incurred in fighting forest and brush fires. There is no fiscal impact on state, county, or local revenues or expenditures. Vote 20-0.

**SB 446-A**, authorizing construction of exit 10 on the Spaulding turnpike from bonds previously authorized and changing the classification of the Salmon Falls road in Rochester and Somersworth to class II. (A) OUGHT TO PASS.

Rep. Janet R. Pelley for Appropriations: No appropriation is involved in this bill that separates the construction of exit 10 on the Spaulding Turnpike from the East-West highway terminus study. This project is already authorized in the Department of Transportation 10-year plan. Section 4 reclassifies Salmon Falls Road in Rochester to the New Hampshire-Maine state line in Somersworth, approximately 6.99 miles, as a state highway. Vote 19-0.

**SB 462-FN**, relative to optional allowances and beneficiaries under the New Hampshire retirement system. (A) OUGHT TO PASS.

Rep. Channing T. Brown for Appropriations: This bill allows children of a member of the system to be named as beneficiaries. There is a time period for a retired member under certain conditions to nominate a child or children as beneficiaries. There is little or no effect on costs to the system. Vote 16-0.

**SB 471-FN**, authorizing child day care to certain AFDC clients. (A) OUGHT TO PASS.

Rep. John P. Chandler for Appropriations: While this bill extends the situations under which AFDC recipients are eligible to receive two years of child day care service payments, it should not increase the overall number of recipients. Consequently, no appropriation has been added to this bill. Vote 15-1.

**SB 472-FN**, relative to the victims' assistance fund, the definition of obscene material, modifying sexual assault statutes, and continuing a study committee.(A) OUGHT TO PASS.

Rep. Channing T. Brown for Appropriations: This bill modifies the sexual assault statutes and adds specific penalties for a person convicted of aggravated felonious sexual assault and continues the joint ad hoc committee to study the rape laws. Although there is no immediate fiscal note, stricter penalties in the future will impact the costs to the corrections system. Vote 19-0.

**SJR 1-FN**, requiring the department of education to develop a computer education program for public schools. OUGHT TO PASS.

Rep. Charles L. Vaughn for Appropriations: The Department of Education will prepare, develop and administer information about health and safety issues inherent in computer use in public schools. District superintendents, working with the Commissioner of Education, will then distribute booklets arranging instructional training sessions within their school districts. Any cost would be absorbed by the department or raised privately. Vote 18-2.

**SB 350**, expanding the membership of the task force on mental health and criminal justice and continuing the study of the interactions between the mental health and criminal justice systems. OUGHT TO PASS

Rep. Peter Hoe Burling for Judiciary: This bill continues the task force on mental health and criminal justice, and expands the membership by adding nine additional members. Vote 11-0.

**SB 353**, relative to copying recordings. INEXPEDIENT TO LEGISLATE

Rep. Peter Hoe Burling for Judiciary: The Committee could not discern a strong reason for adopting this bill, particularly since there is a better argument for adopting provisions relative to theft by copying which would cover all forms of media or printed material. Vote 11-1.

**SB 427-FN**, requiring the registration of sexual offenders. OUGHT TO PASS WITH AMENDMENT

Rep. Richard H. Campbell, Jr. for Judiciary: This bill requires registration of convicted sexual offenders with the state police, and requires them to report their addresses to local police. Registration lasts for life in case of felonious or aggravated felonious sexual assault; 10 years in case of misdemeanor sexual assault. The amendment is a re-draft to clarify confusing provisions, fill in gaps, and to add annual reporting - not just on change of address. Vote 10-2.

5825L

### Amendment,

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Registration of Sexual Offenders. Amend RSA 632-A by inserting after section 10 the following new subdivision:

#### Registration of Sexual Offenders

632-A:11 Definitions. In this subdivision:

- I. "Department" means the department of safety.
- II. "Division" means the division of state police, department of safety.
- III. "Sexual offender" means a person who has been convicted of any violation

of:



(a) RSA 632-A:2, RSA 632-A:3 or RSA 632-A:4; or

(b) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a).

IV. "Local law enforcement agency" means the chief of police in the city or town where the person resides or is temporarily domiciled, or, if the municipality has no police chief or if the person resides in an unincorporated place, the sheriff of the county where the person resides.

632-A:12 Registration.

I. Every sexual offender as defined in RSA 632-A:11, III, shall be registered with the department of safety, division of state police, as provided in this subdivision.

II. Upon receipt of information pursuant to RSA 106-B:14 concerning the conviction of any sex offender, the division shall register such person and shall include the relevant information in the law enforcement name search (LENS) system.

III. Upon receipt from any out-of-state law enforcement agency of information that a sex offender as defined in RSA 632-A:11, III(b) has moved to New Hampshire, the division shall register such person and shall include the relevant information in the LENS system.

632-A:13 Release of Sexual Offender into the Community; Duties.

I. Upon release of any sexual offender after conviction, whether on probation, parole, conditional or unconditional release, completion of sentence, or for any other reason, the official in charge of such release shall notify the person of his duty to report under this subdivision. The person shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the person expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency where the person expects to reside. The division shall enter the information concerning the person's release and notification in the LENS system.

II. Upon receipt from any out-of-state law enforcement agency of information that a sex offender as defined in RSA 632-A:11, III(b) has moved to New Hampshire, the department shall locate and shall serve notice upon such person of his duty to report under this subdivision. The person shall acknowledge in writing that he has received such notice. The department shall obtain the address at which the person expects to reside and shall inform the local law enforcement agency. The division shall enter the information concerning the person's location in New Hampshire and notification in the LENS system.

632-A:14 Duty to Report. Any person required to be registered under this subdivision shall be required to report his current mailing address and place of residence or temporary domicile to the local law enforcement agency. Such report shall be made annually within 30 days after each anniversary of the person's date of release from custody following conviction, or after each anniversary of the person's date of establishment of residence in New Hampshire if convicted elsewhere, and additionally within 30 days after any change of address or place of residence. Forms for reporting shall be provided by the department to each municipal police and county sheriff department, and shall include a copy to be receipted and returned to the person filing the report and a copy to be forwarded to the division. The division shall include such address report information in the LENS system, and shall also use the information to maintain a current address in the person's criminal record as maintained under RSA 106-B:14.

632-A:15 Change of Address; Duty to Inform. When any person required to be registered under this subdivision changes his residence he shall give written notification of his new address to the local law enforcement agency to which he last reported under RSA 632-A:14 within 10 days of such change of residence. Such notice shall not relieve the person of his duty to report under RSA 632-A:14 at the new place of residence. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. The division shall notify the local law enforcement agency at the new place of residence, or the appropriate out-of-state law enforcement agency if the new place of residence is outside New Hampshire, and shall include such change-of-address information in the LENS system.

632-A:16 Duration of Registration.

I. Any sexual offender convicted of a violation of RSA 632-A:2 or 632-A:3, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for life.

II. Any sexual offender convicted of a violation of RSA 632-A:4, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release following conviction, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent conviction.

632-A:17 Confidentiality. Any records established or information collected pursuant to the provisions of this subdivision shall be classified as confidential under RSA 91-A:5, IV and shall be made available only to law enforcement officials and their authorized designees or to the individual requesting his own record in the LENS system. However, nothing in this section shall be construed to limit access to a person's criminal record under the provisions of RSA 106-B:14, including address information obtained under the provisions of this subdivision.

632-A:18 Rules. The department shall adopt rules, pursuant to RSA 541-A, relative to forms and procedures for the administration of this subdivision.

632-A:19 Penalty.

I. A sexual offender who negligently fails to report when required to do so under this subdivision shall be guilty of a violation.

II. A sexual offender who knowingly fails to report when required to do so under this subdivision shall be guilty of a misdemeanor.

III. Any person who violates the provisions of RSA 632-A:17 shall be guilty of a violation.

2 Applicability. This act shall not apply to persons convicted of a sexual offense prior to the effective date of this act.

3 Effective Date. This act shall take effect January 1, 1993.

**HR 62**, urging the President of the United States and Congress to repeal the tax on unemployment compensation benefits at any level and rate. **OUGHT TO PASS.**

Rep. Peter Hoe Burling for State-Federal Relations: This Resolution calls upon Congress to do the right thing and repeal all taxation levied upon unemployment benefits. The Committee did the right thing and voted Ought to Pass unanimously. We ask the House to join us. Vote 14-0.

## REGULAR CALENDAR

**SB 306-FN-A**, allowing bonus payments in recognition of service during the Persian Gulf War and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Reps. Charles W. Ferguson and Robert A. Johnson for Appropriations: Appropriations could not determine the number of bonuses that would be required and thus could not finalize a total figure. It was felt that when the Secretary of Defense finally declares the end of hostilities, we would be able to make this determination and then would appropriate the correct funds. Thus we have left intact the policy decision of paying a bonus, but postponing payment. Vote 19-1.

Rep. Thomas Christie moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment and spoke in favor.

Rep. Rubin spoke in favor.

Reps. Ferguson and Welch spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

**YEAS 71****NAYS 242****YEAS 71  
BELKNAP**

Accornero, Harry  
Vogler, Charles C.

Joscelyn, William W.

Maviglio, Steven R.

**CARROLL**

Dodge, A. Gibb, Jr.

Jean, Robert R.

Wiggin, Allen R.

**CHESHIRE**

Cole, Kenneth A.  
Hogan, James B.

Doucette, Richard F.  
Pearson, Gertrude B.

Grodin, Richard A.  
Sawyer, Alfred P.

**COOS**

Buckley, C. Fitzgerald

Kilbride, Dennis J.

Pratt, Leighton C.

**GRAFTON**

Hill, Richard L.

Markley, J. Keith

Shackett, Ralph E.

**HILLSBOROUGH**

Andrews, Frederick B.  
Carpenter, Karen A.  
Domaingue, Jacquelyn M.  
Johnson, Lionel W.  
Larochelle, Roger B.  
Martin, Mary Ellen  
Murphy, Robert E.  
Wheeler, David K.

Baker, George H., Sr.  
Cook, Valerie S.  
Ferlan, Arthur P.  
King, Frank P.  
Laughlin, J. Francis  
Mercer, Robert S.  
Rodgers, G. Philip  
Wheeler, Robert L.

Bowers, Dorothy C.  
Daniels, Gary L.  
Jasper, Shawn N.  
Lachut, Ervin R.  
Lawrence, Norman B.  
Moore, Elizabeth A.  
Rothhaus, Finlay C.

**MERRIMACK**

Christie, Thomas J.  
Weeks, John F., Jr.

Gilbreth, Robert M.

Hayes, Robert C.

**ROCKINGHAM**

Clark, Martha Fuller  
Ford, Bert H.  
Packard, Sherman A.  
Roulston, Donald L.  
Sytek, John J.

Conroy, Janet M.  
Lovejoy, Virginia K.  
Palazzo, Frank J.  
Rubin, George R.  
Warburton, Calvin

Cooke, Annette M.  
MacKinnon, Nancy W.  
Rosencrantz, James R.  
Sytek, Donna P.  
Wells, Henry E.

**STRAFFORD**

Flynn, Edward J.  
Marston, Robert E.  
Torr, Ralph W.

Jankowski, Peter M.  
O'Brien, John

Keans, Sandra B.  
Spencer, Leo J.

**SULLIVAN**

Allison, David C.

Domini, Irene C.

Middleton, John A.

**NAYS 242****BELKNAP**

Bartlett, Gordon E.  
Holbrook, Robert G.  
Rosen, Ralph J.

Campbell, Richard H., Jr.  
Johnson, Carl R.  
Turner, Robert H.

Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Ziegra, Alice S.

**CARROLL**

Beach, Mildred A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Bradley, Jeb E.  
Dickinson, Howard C.  
Wiggin, Gordon E.

Chandler, Gene G.  
Foster, Robert W.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Stacey W.  
Foster, Katherine D.  
Kingsbury, H. Thayer  
Perry, David M.

Champagne, Richard L.  
Crutchley, Donald O.  
Hunt, John B.  
Laurent, John J.  
Riley, William A.

Clark, Eugene W.  
Feuer, Joseph N.  
Kennison, Wayne A.  
Mohr, Frederick C., Jr.

**COOS**

Brungot, Catherine V.  
Hawkinson, Marie C.  
Merrill, Gerald P.  
Therault, Romeo J.

Coulombe, Henry W.  
Horton, Lynn C.  
Nelson, Harold D.

Guay, Lawrence J.  
Mayhew, Josephine  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
Guest, Robert H.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Wadsworth, Karen O.

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Buckley, Raymond  
Cote, David E.  
Daigle, Robert A.  
Donovan, Francis X.  
Durham, Susan B.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Greenglass, Alan B.

Alukonis, David J.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Fenton, James J.  
Ford, Nancy M.  
Goulet, Maurice E.  
Gureckis, Adam C., Sr.

Amidon, Eleanor H.  
Bourque, Ann J.  
Chasse, Richard D.  
Crotty, Edward J.  
Desrosiers, William J.  
Drolet, Paul L.  
Elliott, Larry G.  
Ferguson, Charles  
Gage, Ruth E.  
Green, Scott E.  
Haettenschwiller, Alphonse



Hall, Betty B.  
 Healy, Walter F.  
 Jean, Claudette R.  
 Kurk, Neal M.  
 Leclerc, Charles J.  
 Lozeau, Donnalee M.  
 McDowell, James E.  
 Nardi, Theodora P.  
 Peters, Stanley W.  
 Rheault, Lillian I.  
 Sallada, Roland A.  
 Soucy, Donna M.  
 Turgeon, Roland M.  
 White, John M.

Hanselman, Gregory L.  
 Holden, Carol H.  
 Kelley, Dana F.  
 L'Heureux, Robert J.  
 Lefebvre, Roland J.  
 Mason, Howard F.  
 McNerney, Daniel P.  
 O'Rourke, Joanne A.  
 Record, Alice B.  
 Riley, Frances L.  
 Searles, Stanley N., Sr.  
 Stiles, Walter A.  
 Upton, Barbara A.  
 Wright, George W.

Healy, Daniel J.  
 Janas, Gregory  
 Kelley, Robert N.  
 Lawrence, Eva M.  
 Lown, Elizabeth D.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 Packard, Bonnie B.  
 Reidy, Frank J.  
 Robinson, Ellen-Ann  
 Smith, Leonard A.  
 Tarpley-Bamberger, Nancy L.  
 Vanderlosk, Stanley R.

### MERRIMACK

Anderson, Eleanor M.  
 Boucher, Laurent J.  
 Chandler, John P.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Jacobson, Alf E.  
 Letourneau, George E.  
 Nichols, Avis B.  
 Stio, Peter M.  
 Wallner, Mary Jane

Apple, Lowell D.  
 Braiterman, Thea  
 Daneault, Gabriel J.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Johnson, C. William  
 Lewis, Mary Ann  
 Smith, Gerald R.  
 Teague, Bert  
 Whittemore, James A.

Barberia, Richard A.  
 Chandler, Earle W.  
 Feuerstein, Martin  
 Hager, Elizabeth S.  
 Holmes, Mary C.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Soldati, Jennifer G.  
 Trombly, Rick A.  
 Yeaton, Charles B.

### ROCKINGHAM

Barnes, John S., Jr.  
 Boucher, William P.  
 Christie, Andrew, Jr.  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Flanagan, Natalie S.  
 Greene, Elizabeth A.  
 Hurst, Sharleene P.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 McCain, William F.  
 McKinney, Betsy  
 Raynowska, Bernard J.  
 Seward, Russell G.  
 Syracuse, Anthony  
 Welch, David A.

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Chulack, Peter G., Sr.  
 DiPietro, Carmela M.  
 Dube, LeRoy S.  
 Flanders, Harry E.  
 Hoar, John, Jr.  
 Hynes, Carolyn E.  
 Katsakiores, George N.  
 Magoon, Harold F.  
 McCarthy, John J., Jr.  
 Melnick, Roy E.  
 Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Thayer, Leroy C.  
 Weyler, Kenneth L.

Benton, Richardson D.  
 Chase, Lawrence A., Jr.  
 Connell, David R.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Hoelzel, Kathleen M.  
 Johnson, Robert A.  
 Klemarczyk, Thaddeus E.  
 Malcolm, Kenneth W.  
 McGovern, Cynthia A.  
 Pantelakos, Laura C.  
 Senter, Marilyn P.  
 Smith, Arthur W.  
 Vaughn, Charles L.  
 Woods, Deborah L.

### STRAFFORD

Bickford, Drucilla  
 Foss, Patricia H.  
 Hashem, Elaine M.  
 Knowles, William V.

Corte, Arthur B.  
 Frechette, Roland A.  
 Kincaid, William K.  
 Martling, W. Kent

Douglass, Clyde J.  
 Hambrick, Patricia A.  
 Kinney, Paula J.  
 Merrill, Amanda A.

Nehring, William H.  
Sullivan, Henry P.  
Vincent, Francis C.

Pageotte, Donald P.  
Torr, Ann M.  
Wall, Janet G.

Pelley, Janet R.  
Tsiros, William  
Wheeler, Katherine W.

### SULLIVAN

Behrens, Thomas A.  
Lindblade, Eric N.  
Schotanus, Merle W.  
and the motion lost.

Burling, Peter Hoe  
Peyron, Fredrik

Krueger, Richard H.  
Rodeschin, Beverly T.

5738L

### Amendment

Amend the title of the bill by replacing it with the following:

### AN ACT

allowing bonus payments in recognition of service during  
the Persian Gulf War.

Amend the bill by replacing all after section 1 with the following:

2 Contingency. In keeping with the tradition of paying veterans benefits only after the cessation of hostilities as declared by the Secretary of Defense, this act shall take effect 6 months following the date on which such declaration is made.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

II. Section 2 of this act shall take effect upon its passage.

### AMENDED ANALYSIS

This bill allows bonus payments for eligible New Hampshire residents and other persons who served with New Hampshire units who served in the armed forces of the United States during the Persian Gulf War.

Rep. Benton spoke in favor.

The amendment was adopted.

On a division vote, with 232 members having voted in the affirmative and 80 in the negative, the committee report was adopted.

Ordered to third reading.

**SB 314-FN-A-L**, making a supplemental appropriation for the board of tax and land appeals and increasing filing fees for appeals to the board.(A) OUGHT TO PASS.

Rep. Theodora P. Nardi for Appropriations: This bill makes a supplemental appropriation for the board of tax and land appeals and increases the filing fees from \$40.00 to \$65.00. Vote 19-0.

Adopted.

Ordered to third reading.

**SB 334-FN-A**, authorizing the division of public health services to carry out a rabies surveillance to identify and gauge the threat to the public's health.(A) OUGHT TO PASS WITH AMENDMENT.

Rep. Charles L. Vaughn for Appropriations: The purpose of this bill is to address the issue that the spread of rabies from the mid-Atlantic states is occurring at an alarming rate and that New Hampshire Public Health Services does not have a means to gauge the threat of this disease on its citizens, visitors, and domestic and wild animals.

The bill authorizes Public Health Services to establish two part-time positions — a laboratory scientist and laboratory helper — and a sum of \$27,000 for the fiscal year ending June 30, 1993 is appropriated for the purposes of this act. Vote 15-0.

5802L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

authorizing the division of public health services to carry out a rabies surveillance to identify and gauge the threat to the public's health and making an appropriation therefore.

Amend the bill by replacing all after section 3 with the following:

4 Position Established. The division of public health services, department of health and human services may establish 2 part-time positions, a laboratory scientist II position and a laboratory helper position.

5 Appropriation. The sum of \$27,000 for the fiscal year ending June 30, 1993, is hereby appropriated to the division of public health services, department of health and human services for the purposes of this act. This appropriation shall be in addition to any other appropriation made to the division of public health services, department of health and human services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect upon its passage.

#### **AMENDED ANALYSIS**

This bill authorizes the division of public health services, with the assistance of the department of agriculture and the fish and game department, to carry out an extended rabies surveillance effort to gauge the threat to the public's health. The bill also authorizes the division to establish 2 part-time positions, a laboratory scientist II position and a laboratory helper position.

The bill also makes an appropriation to the division of public health services for the purposes of this bill.

Adopted.

Report adopted.

Ordered to third reading.

**SB 335-FN**, authorizing the board of marital mediator certification to establish and collect certification fees, establish a budget and certify certain applicants.(A) OUGHT TO PASS.

Rep. Laurent J. Boucher for Appropriations: This bill authorizes the board of marital mediator certification to establish and collect certification fees, certify certain applicants and makes an appropriation of \$5000 for start-up of the board. Vote 15-4.

Adopted.

Ordered to third reading.

**SB 433-FN**, relative to the registration and equipment standards of motor vehicles known as street rods.(A) OUGHT TO PASS.

Rep. Neal M. Kurk for Appropriations: This bill provides for appropriate registration procedures and distinctive number plates for street rods. A \$25.00 verification fee will raise \$10-20,000 for the highway fund, and a \$50.00 permit fee will raise \$20-40,000 for municipalities. Normal vanity plate fees apply to the distinctive number plates. Vote 20-0.

Adopted.

Ordered to third reading.

**SB 475-FN**, relative to retirement system benefits for withdrawing nongovernmental employees. **OUGHT TO PASS.**

Rep. Elizabeth Hager for Appropriations: This bill elicited a great deal of testimony from the people affected. The majority of the committee feels that, although there are differences in the Senate and House versions of the bill, those differences do not have major fiscal impact so they could be worked out in Committee of Conference. Vote 15-3.

Rep. Nardi offered a floor amendment.

5936L

### Floor Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Benefits Payable to Withdrawing, Nongovernmental Employees. Amend 1991, 358:2, II to read as follows:

II. All benefits accrued to the time of withdrawal from the system shall be fully vested in such withdrawing, nongovernmental employees and shall be no less than the [accumulated benefit obligation] **greater of the accepted actuarial benefit calculations. The system shall pay interest at the same rate which is actually earned on retirement system investments on all benefits from June 30, 1991, to the date these benefits are transferred or April 30, 1992, whichever is later.** The system shall cooperate with withdrawing, nongovernmental employers in their establishing successor retirement plans and shall cooperate in arranging for the transfer of such employee retirement benefits earned under the system to successor retirement plans where practicable. **When the transfer of such employee retirement benefits is not practicable, the system shall cooperate in the transfer of such employee retirement benefits to individual employee successor accounts or plans. All benefits not transferred by May 29, 1992, shall be paid to individual nongovernmental employees subject to applicable federal income tax withholding requirements, if any.**

2 Effective Date. This act shall take effect upon its passage.

### AMENDED ANALYSIS

During the 1991 legislative session, the general court amended the retirement system statutes to limit participation in the New Hampshire retirement system to governmental entities and political subdivisions of the state. Nongovernmental employers and their employees were required to withdraw from the retirement system no later than June 30, 1991, and the retirement system was required to cooperate with such employers in establishing successor retirement plans and in arranging for the transfer of such employee retirement benefits, where practicable.

This bill adds new requirements which the retirement system must meet as part of the transfer process, when the transfer of such employee retirement benefits earned under the system to successor retirement plans is not practicable.

In addition, the bill requires the retirement system to pay interest at the same rate which is actually earned on retirement system investments on all benefits from June 30, 1991, to the date these benefits are transferred or April 30, 1992, whichever is later.

Rep. Nardi spoke in favor and yielded to questions.

Rep. Lovejoy spoke in favor.



Rep. William Boucher spoke against.

Reps. Ward and Dyer spoke against and yielded to questions.

The floor amendment failed.

The Committee report was adopted.

Ordered to third reading.

**SB 437-FN**, relative to the New Hampshire Dental Service Corporation. OUGHT TO PASS WITH AMENDMENT.

Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs: This bill brings Delta Dental out of 1961 session chapter law and into the RSAs. Delta now will be treated much like Blue Cross with Insurance Department oversight and regulation. The major and most controversial change is that the majority of the board must be members of the public and not members of the New Hampshire Dental Society. Vote 14-3.

5799L

#### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Delta Dental Plan of New Hampshire. Amend RSA by inserting after chapter 420-D the following new chapter:

#### CHAPTER 420-E

#### DELTA DENTAL PLAN OF NEW HAMPSHIRE, INC.

420-E:1 Definitions; Scope of Chapter.

I. In this chapter:

(a) "Commissioner" means the New Hampshire insurance commissioner.

(b) "Contract holder" means any proprietorship, partnership, corporation, association, union or other organization which contracts or may contract for dental care for its employees or members and their dependents.

(c) "Delta" means Delta Dental Plan of New Hampshire, Inc., formerly known as New Hampshire Dental Service Corporation.

(d) "Dental care" means dental services ordinarily provided by licensed dentists in accordance with accepted standards of the dental practice of the community at the time the service is rendered.

(e) "Participating dentist" means a provider who has entered into a contract with Delta to provide dental care.

(f) "Provider" means any person duly authorized and licensed to practice dentistry under the laws of the state in which the dental care is provided.

(g) "Public member" means a resident of the state of New Hampshire who is not a dentist, or the spouse of a dentist, or an employee of an association of dentists, or the spouse of a director or officer of Delta or a person who has a significant financial interest in any entity or organization which provides dental or other health care services to Delta.

(h) "Subscriber" means an individual entitled to receive dental care pursuant to a written agreement between Delta and a contract holder.

II. In accordance with 1961, 345, Delta was incorporated as New Hampshire Dental Service Corporation on July 26, 1966, and has operated since the date of its incorporation, as a voluntary corporation under RSA 292. Delta received recognition from the Internal Revenue Service as a section 501(c)(4) tax-exempt organization on February 21, 1973, and has operated as a tax-exempt organization since that date. The articles of agreement, by-laws and all contracts between Delta and its participating

dentists and contract holders in effect on or before January 1, 1993, shall survive and be in full force and effect, except as modified by this chapter. Delta's principal place of business shall be in Concord, New Hampshire.

III. Delta shall be governed by this chapter and shall be exempt from this title, except for the provisions of RSA 400-A:39 and 1961, 345; provided, however, if any of the provisions of 1961, 345 are inconsistent with this chapter the provisions of this chapter shall prevail. Delta and its agents shall be subject to the fees prescribed for hospital and medical service corporations under RSA 400-A:29, VII.

420-E:2 Directors. The number of directors who shall manage the business and affairs of Delta shall be at least 12 and not more than 15, all of whom shall be residents of the state of New Hampshire, and a majority of whom shall be public members.

420-E:3 Agent License.

I. No person, for himself or in behalf of any person, shall sell or offer to sell any Delta benefit plan, as is provided for in this chapter, without being licensed by the commissioner.

II. Upon written notice by Delta of its appointment of a person to act as its agent, the commissioner shall issue, if he is first satisfied that the appointee is a suitable person and intends to hold himself out in good faith as an agent and upon payment of the proper fee by the applicant, to the appointee a license to act as such agent.

III. A license previously issued may be renewed upon the application of Delta upon payment of the proper fee.

IV. The commissioner, at any time after granting such license, for cause shown and after notice and hearing, may determine such licensee to be unsuitable to act as such agent, and shall thereupon revoke such license and notify both Delta and the agent of such revocation.

V. Unless revoked by the commissioner, or unless Delta by written notice to the commissioner cancels the agent's authority to act for it, such license issued to an agent, or any renewal thereof, shall expire on June 14 of the second year after its issue.

VI. If a person acts or aids in any manner in the negotiation of Delta contracts, or solicits or receives any application for such contracts, without a license from the commissioner, or if the license granted to him or Delta for whom he acts as agent has been revoked, he shall be guilty of a violation; but any contract issued on an application thus procured shall bind Delta if otherwise valid. This paragraph shall not apply to any clerical employee of Delta, or to any persons rendering their services without compensation.

420-E:4 Filing and Approval of Contracts. Delta shall not revise or modify any contract or issue a new contract to a contract holder until it shall have filed with the commissioner a copy of the form of such amendment, modification or contract, including all riders and endorsements, and until the commissioner's approval shall have been obtained. Any form of amendment, modification or contract not disapproved by the commissioner within 90 days after the filing, shall be deemed to have been approved as filed.

420-E:5 Contracts with Contract Holders. Every contract between Delta and a contract holder shall be in writing, a copy of which shall be furnished to the contract holder and shall contain the following provisions:

I. A statement of the amount payable to Delta by the contract holder and the manner in which such amount is payable.

II. A statement of the nature and extent of the benefits to be provided, and if any benefits are to be limited or excepted, an enumeration of such limitations or exceptions shall be printed with the same prominence as the statement of benefits conferred.

III. A statement of the terms and conditions upon which the contract may be cancelled or otherwise terminated at the option of either party.

IV. A statement that the contract includes endorsements and attached papers, if any, and that it comprises the entire contract.

V. A provision that no statement by the contract holder in its application for a contract shall void the contract or be used in any legal proceeding on the contract unless an exact copy of the application is included or attached to the contract.

VI. A statement of the grace period which will be allowed the contract holder for making any payment due under the contract. Such period shall be not less than 10 days.

420-E:6 Rates and Contracts to be Approved. Delta shall file with the insurance commissioner a full schedule of the rates to be paid by contract holders and shall obtain the commissioner's approval prior to implementing any rate changes. The commissioner may refuse such approval if he finds the rates are excessive, inadequate, or discriminatory.

420-E:7 Cancellation or Nonrenewal.

I. No contract with a contract holder authorized under this chapter shall be cancelled by Delta, except for nonpayment of premium, unless the contract holder receives a notice of cancellation in accordance with this section. Notice of cancellation for breach of the contract by the contract holder shall be delivered to the contract holder or mailed to the contract holder's last address as shown in the records of Delta at least 10 days prior to the effective date of the cancellation. Notice of cancellation for lack of participation shall be delivered to the contract holder or mailed to the contract holder's last address as shown in the records of Delta, at least 30 days prior to the effective date of the cancellation.

II. No contract with a contract holder authorized under this chapter shall be nonrenewed by Delta, except for nonpayment of premium, unless the contract holder receives either a notice of nonrenewal or an offer of renewal in accordance with this section. The notice of nonrenewal or offer of renewal shall be delivered to the contract holder or mailed to the contract holder's last address as shown in the records of Delta at least 30 days prior to the renewal date of the contract.

420-E:8 Investments. Delta shall invest its funds as provided for in RSA 411-A.

420-E:9 Financial Report and Examination.

I. Delta shall file with the commissioner, within 120 days of the close of this fiscal year, a report verified by an appropriate official of Delta, showing its financial condition on the last day of the preceding fiscal year.

II. Such report shall include:

(a) Delta's financial statements, including its balance sheet and statement of income and expenditures for the preceding year, certified by an independent public accountant;

(b) Such other financial information relating to Delta's performance as the commissioner may require.

420-E:10 Contingency Reserve Fund. Delta shall collect reasonable rates as described in RSA 420-E:6, designed to permit it to accumulate and maintain a contin-

gency reserve fund which shall not be less than 8 percent of Delta's annual premium risk income.

420-E:11 Examination.

I. The commissioner shall make an examination of Delta as often as he deems it necessary, but not less frequently than once in ever 3 years. All examinations shall be conducted at the expense of Delta.

II. Delta shall submit its books and records relating to its operations to such examinations and in every way facilitate them. For the purpose of examinations, the commissioner may issue subpoenas, administer oaths to, and examine the officers and agents of Delta.

420-E:12 Appeals. All order and decisions of the commissioner concerning matters within his jurisdiction under this chapter shall be subject to rehearing and appeal as provided in RSA 541. RSA 541:18 and 19 shall apply to orders and decisions of the insurance commissioner affecting the rates of Delta.

420-E:13 Administrative Services. Delta may contract to furnish administrative marketing, and managerial services to any health related organization, agency, entity or plan.

420-E:14 Nonliability of Corporation. Delta, its officers or employees, shall not be liable for injuries resulting from negligence, malfeasance, nonfeasance or malpractice on the part of any provider in the course of rendering any dental care.

420-E:15 Not-for-Profit-Status. Delta is not organized and shall not be maintained or operated for private profit or benefit. The income or property of Delta from whatever source derived shall be applied solely toward the promotion of the purposes of Delta and no portion of such income or property shall be transferred to or inure to the profit or benefit of any provider, officer, director or employee of Delta or any individual, provided that nothing in this section shall prevent the payment in good faith of reasonable remuneration to any officer, director or employee of Delta, or to any other person, or to any participating dentist who has entered into contracts with Delta to furnish dental care, for any services rendered to Delta or to individuals pursuant to contracts with Delta for dental care.

420-E:16 Relationship of Provider and Patient. Nothing in this chapter shall be deemed to alter the relationship of provider and patient. Delta shall not in any way influence the subscriber in the free choice of provider. Nothing in this chapter shall be deemed to abridge the right of any provider to decline patients in accordance with lawful standards and practices of such provider.

420-E:17 Rulemaking Authority. The commissioner shall adopt rules in accordance with RSA 541-A, which are reasonable and necessary to administer and enforce the provisions of this chapter.

420-E:18 Prohibited Practices. RSA 420-A:21 through RSA 420-A:32 shall be construed to apply to Delta and the contracts which Delta issues, except to the extent that the commissioner determines that the nature of Delta, and the contracts which Delta issues, renders such provisions inappropriate.

2 Board of Directors. Any changes to the board of directors of Delta Dental Plan of New Hampshire, Inc. shall be made at the annual meeting following January 1, 1993.

3 Effective Date. This act shall take effect January 1, 1993.



## AMENDED ANALYSIS

This bill subjects Delta Dental Plan of New Hampshire, Inc., a non-profit dental insurer formerly operating as the New Hampshire Dental Service Corporation, to certain insurance laws.

Adopted.

Report adopted.

Ordered to third reading.

**HR 63**, proclaiming October 12, 1992, as Native American Day, which day also commemorates the 500th anniversary of the arrival of Christopher Columbus. INEXPEDIENT TO LEGISLATE.

Rep. Lowell D. Apple for State-Federal Relations: While the Committee members were unanimous in supporting the intent of the resolution recognizing native Americans, the Majority of the Committee voted against passage based on opposition expressed by representatives of the Sioux nation and certain other Native Americans who appeared at the hearing. The Sioux spokesman said that his people do not celebrate the arrival of Columbus, and would find it offensive to have that date identified as a day for recognition of Native American peoples. They advised the Committee that the Native American Congress has not yet agreed on a date for recognition of Native Americans. They said that they will be sure to notify us when that happens so New Hampshire can participate in celebrating Native American cultures and contributions on a date on which all Native American Nations can agree. Vote 9-4.

Rep. McIlwaine spoke to the bill

Adopted.

**HR 67**, urging the President of the United States to formally recognize the free and sovereign republic of Croatia. OUGHT TO PASS.

Rep. George N. Katsakiores for State-Federal Relations: Additional information submitted by the sponsors and made available to anyone by the Committee chairman includes overwhelming documentation of the history of the Croatian struggle for freedom from Communistic control. Having been recognized as an independent state by most nations both in Europe and other countries around the globe, and citing the overwhelming support our nation has given to the cause of "human rights," the Committee supported the resolution. Vote 9-4.

Rep. Welch spoke in favor.

Rep. Scott Green spoke against.

## LAID ON THE TABLE

Rep. Michael Hill moved that **HR 67**, urging the President of the United States to formally recognize the free and sovereign republic of Croatia, be laid on the table.

Adopted.

**SB 392**, relative to guardians ad litem. OUGHT TO PASS.

Rep. Raymond C. Buckley for Appropriations: Given the information offered at the public hearing, it is the Committee's decision that the only impact of this bill will be a positive impact. Vote 18-0.

Rep. Lozeau yielded to questions.

Adopted.

Ordered to third reading.

**SB 436-FN-L**, relative to aid to the permanently and totally disabled and the property tax exemption for the blind. (A) REFER FOR INTERIM STUDY.

Rep. Robert E. Murphy for Appropriations: When this bill reached the House, it was assigned to the Committee on Municipal and County Government. This committee was faced with a completely new subject which resulted in confusing the policy as between the Senate Committee on Public Institutions/Health and Human Services and the House Committee on Municipal and County Government and the Committee on Health, Human Services and Elderly Affairs. A policy amendment was submitted by a senator which was serious in scope and should be addressed by the appropriate policy committee. Vote 17-2.

Rep. Baroody requested that the question be divided.

The Speaker ruled that the question was divisible.

Rep. Baroody moved that the words Ought to Pass for Sections 2 and 3 of the bill be substituted for the report of the Committee, Refer for Interim Study.

Rep. Grodin spoke in favor and yielded to questions.

Rep. Murphy spoke in favor.

Adopted.

Sections 2 and 3 were ordered to third reading.

Without objection, the Speaker referred Section 1 for Interim Study.

**SB 384**, relative to foreclosures and sale of mortgaged property. **INEXPEDIENT TO LEGISLATE**.

Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs: The foreclosure process is adequate and this bill is not necessary. Vote 13-1.

Rep. Rodgers spoke in favor.

### **MOTION TO LAY ON THE TABLE**

Rep. Baroody moved that **SB 384**, relative to foreclosures and sale of mortgaged property be laid on the table.

The motion failed.

Report adopted.

### **RECONSIDERATION**

Having voted with the prevailing side, Reps. Gross and Chambers moved that the House reconsider its action whereby it passed **SB 363**, relative to health insurance coverage of autologous bone-marrow transplants, and return the bill to second reading.

Reps. Gross and Trombly spoke in favor.

Adopted.

**SB 363**, relative to health insurance coverage of autologous bone marrow transplants.

5940L

### **Floor Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to health insurance coverage of autologous bone marrow transplants in the treatment of breast cancer.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Accident and Health Insurance Coverage. Amend RSA 415 by inserting after section 18-b the following new section:

415:18-c Coverage for Autologous Bone Marrow Transplants. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of breast cancer by autologous bone marrow transplants according to protocols reviewed and approved by the National Cancer Institute.

2 New Section; Hospital Service Corporations. Amend RSA 419 by inserting after section 5-b the following new section:

419:5-c Coverage for Autologous Bone Marrow Transplants. Every hospital service corporation, and every other similar corporation licensed under the laws of another state, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of breast cancer by autologous bone marrow transplants according to protocols reviewed and approved by the National Cancer Institute.

3 New Section; Medical Service Corporations. Amend RSA 420 by inserting after section 5-c the following new section:

420:5-d Coverage for Autologous Bone Marrow Transplants. Every medical service corporation, and every other similar corporation licensed under the laws of another state, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of breast cancer by autologous bone marrow transplants according to protocols reviewed and approved by the National Cancer Institute.

4 New Section; Nonprofit Health Service Corporations. Amend RSA 420-A by inserting after section 7-d the following new section:

420-A:7-e Coverage for Autologous Bone Marrow Transplants. Every nonprofit health service corporation, and every other similar corporation licensed under the laws of another state, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, coverage for expenses arising from the treatment of breast cancer by autologous bone marrow transplants according to protocols reviewed and approved by the National Cancer Institute.

5 New Section; Health Maintenance Organizations. Amend RSA 420-B by inserting after section 8-d the following new section:

420-B:8-e Benefits for autologous bone marrow transplants in the treatment of breast cancer shall conform to the requirements of RSA 415:18-c. Such benefits shall not be subject to any greater deductible than any other benefits provided by the health maintenance organization. The coinsurance required by the enrolled participant shall not exceed 20 percent of the reasonable and customary charge for the services provided.

6 Effective Date. This act shall take effect January 1, 1993.

## AMENDED ANALYSIS

This bill requires all health insurers, hospital service corporations, medical service corporations, nonprofit health service corporations, and health maintenance organizations to provide coverage for breast cancer treatments by autologous bone marrow transplants according to protocols reviewed and approved by the National Cancer Institute.

Rep. Gross spoke in favor and yielded to questions.

Adopted.

Report adopted.

Ordered to third reading.

## RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet April 22 at 10:00 a.m.

Adopted.

## LATE SESSION

**Third reading and final passage**

**SB 411-FN**, relative to special education catastrophic aid.

**SB 414-FN**, authorizing a pilot program in one county for investigative services for attorneys providing counsel to indigent defendants.

**SB 425-FN-L**, relative to statement of expenses for costs incurred for response to forest and brush fires.

**SB 446-A**, authorizing construction of exit 10 on the Spaulding turnpike from bonds previously authorized and changing the classification of the Salmon Falls road in Rochester and Somersworth to class II.

**SB 462-FN**, relative to optional allowances and beneficiaries under the New Hampshire retirement system.

**SB 471-FN**, authorizing child day care to certain AFDC clients.

**SB 472-FN**, relative to the victims' assistance fund, the definition of obscene material, modifying sexual assault statutes, and continuing a study committee.

**SJR 1-FN**, requiring the department of education to develop a computer education program for public schools.

**SB 350**, expanding the membership of the task force on mental health and criminal justice and continuing the study of the interactions between the mental health and criminal justice systems.

**SB 427-FN**, requiring the registration of sexual offenders.

**HR 62**, urging the President of the United States and Congress to repeal the tax on unemployment compensation benefits at any level and rate.

**SB 306-FN-A**, allowing bonus payments in recognition of service during the Persian Gulf War and making an appropriation therefor.

**SB 314-FN-A-L**, making a supplemental appropriation for the board of tax and land appeals and increasing filing fees for appeals to the board.

**SB 334-FN-A**, authorizing the division of public health services to carry out a rabies surveillance to identify and gauge the threat to the public's health.



**SB 335-FN**, authorizing the board of marital mediator certification to establish and collect certification fees, establish a budget and certify certain applicants.

**SB 433-FN**, relative to the registration and equipment standards of motor vehicles known as street rods.

**SB 475-FN**, relative to retirement system benefits for withdrawing nongovernmental employees.

**SB 437-FN**, relative to the New Hampshire Dental Service Corporation.

**SB 392**, relative to guardians ad litem.

**SB 436-FN-L**, relative to aid to the permanently and totally disabled and the property tax exemption for the blind.

**SB 363**, relative to health insurance coverage of autologous bone marrow transplants.

### ENROLLED BILLS REPORT

**HB 326**, relative to disciplinary hearings before the pharmacy board.

**HB 1135**, relative to liquidation under the supervision of the bank commissioner.

**HB 1137**, relative to nondepository first mortgage bankers and brokers.

**HB 1153**, authorizing the division of human services to assess an administrative fine on employers for failing to comply with an assignment order.

**HB 1196**, clarifying the amount to be paid from the firemen's relief fund in the event of a claim.

**HB 1242**, establishing a study committee on certain current use issues.

**HB 1492**, eliminating the capital appropriation for the demolition of the Walker building.

**SB 360**, establishing a committee to study head injury cases in New Hampshire.

**SB 381**, relative to interest on escrow accounts.

**SB 426**, establishing a task force to develop a strategy to train police, prosecutors and correctional personnel to successfully prevent, investigate and prosecute sexual assault cases.

Sen. Currier, Rep. Marsh for the Committee

Rep. Michael Hill moved that the House adjourn.

Adopted.

Rep. Alf Jacobson at the request of the Speaker, addressed the House on the histories of legislative compensation and of annual and biennial sessions.

Rep. Jacobson's full remarks appear in Appendix A on page 1433.

The House adjourned at 3:20 p.m.

## HOUSE JOURNAL No. 23

Wednesday, April 22, 1992

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by Guest Chaplain, the Reverend Dawn C. Berry, Pastor of the Congregational Church of Boscawen.

Beloved Parent of the universe, You are greeted this morning with minds and hearts, hands and voices ready for the work of this legislative session. Grant these Representatives wisdom for discerning the needs of this State and humor in the long hours of debating the merits, or lack, of each bill. May what is passed offer the potential for justice and hope. Hold all of us in the certainty of Your love as You propel us by the challenge of Your prophetic word. Amen.

Rep. Richard Hill led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Anderson, Guest, LaMar, Molner, Morse, Stewart, Walsh, Warburton and Parr, the day, illness.

Reps. Marilyn Campbell, Carter, Andrew Christie, Fair, Fenton, David Flanders, Flint, Ruth Gage, Joyce Johnson, Maviglio, William McCann, Millard, Scanlan, Schmidtchen, Richard Soucy, Stamatakis, John Young, Coffey and Keith, the day, important business.

Reps. Appleby, Simon and Well, the day, illness in the family.

### INTRODUCTION OF GUESTS

Twenty-three French exchange students from Vitrole High School, France, guests of Rep. Dunn. John, Mary, Niamh and Ray Lynch, guests of Rep. Marsh. Ivar Dahl and Maria Hassett of the UNH Ski Team, guests of Rep. Gene Chandler. Carol Anne DeWorker and Victoria Haemish, guests of Rep. Baldizar.

### SENATE MESSAGES

#### ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

**HB 1374**, establishing a task force on women at risk for alcohol and other drug abuse during pregnancy.

The President appointed Sens. John King, Hollingworth and Podles.

**HB 1175**, creating a committee to study medical liability insurance in New Hampshire.

The President appointed Sens. Delahunty, Nelson and Bass.

**HB 1129**, designating the insurance department as the regulatory body for approval of motor vehicle warranty agreements.

The President appointed Sens. Hough, Nelson and Shaheen.

**HB 1330**, prohibiting certain credit card practices involving providers of travel services.

The President appointed Sens. Fraser, McLane and Pressly.

**HB 1287-L**, enabling certain municipalities to issue tax lien redemption notes and relative to the transfer of tax liens.

The President appointed Sens. Bass, Nelson and Delahunty.

**CONCURRENCE WITH AMENDMENTS**

**SB 327**, establishing a committee to study the effects of substance abuse on health care and economic costs of the state.

**SB 453**, relative to involuntary commitment procedures.

**SB 355**, requiring that deposits for the purchase or other disposition of manufactured housing be held in escrow accounts.

**SB 370**, relative to health insurance coverage for scalp hair prostheses.

**NONCONCURRENCE**

**HB 404-FN**, requiring the introduction of legislation in the 1993 session relative to the joint board of engineers, architects, land surveyors, foresters and natural scientists.

**HB 1143**, increasing the per-brand registration fee for commercial feed and establishing an agricultural product and scale testing fund.

**HB 1156**, changing the annual rate of interest on judgments and business transactions.

**HB 1214**, establishing a study committee to assess present enforcement of certain state environmental laws by environmental regulatory agencies of the state of New Hampshire.

**HB 1293**, reducing the penalty for adultery from a misdemeanor to a violation.

**HB 1343-FN**, establishing a committee to review wetlands projects and related issues.

**HB 1326**, requiring that service of process at a defendant's abode comply with court rules.

**HB 1394-FN-A**, making supplemental appropriations to the department of justice and the department of health and human services.

**HB 1395-FN-A**, relative to soil conservation districts and making a supplemental appropriation therefor.

**HB 1496-FN**, relative to the funding methodology of the retirement system.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1182-FN**, authorizing the division of human services to establish a system to recoup child support payments made in error, clarifying confidentiality of certain information and allowing the division to close certain cases. (Amendment printed SJ 19, 4/21/92)

Rep. William McCain moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robinson, Connell, Nordgren and Douglas Hall.

**HB 321-FN**, relative to small employer insurance. (Amendment printed SJ 16, 4/9/92)

Rep. Foss moved that the House concur.

Adopted.

**HB 1140**, relative to exempting New Hampshire banks from acquisitions by out-of-state banks. (Amendment printed SJ 17, 4/14/92)

Rep. Foss moved that the House concur.

Adopted.

**HB 1430**, relative to the disclosure of certain information and refunds relating to musical performances. (Amendment printed SJ 18, 4/16/92)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hunt, Drolet, Guay and Cornelius Keane.

**HB 740-FN**, relative to increasing political expenditure limitations for certain candidates and relative to the penalty for exceeding total expenditure limitations. (Amendment printed SJ 18, 4/16/92)

Rep. Flanagan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Holbrook, Holden, Cowenhoven and Nardi.

**HB 646-FN**, relative to the disposal of certain solid waste products and leaf and yard waste. (Amendment printed SJ 18, 4/16/92)

Rep. Elizabeth Greene moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hanselman, Irene Messier, Marilyn Campbell and Terninko.

**HB 1052**, relative to the appointment of the executive director of the fish and game department and allowing the governor to make frequent appointments to the fish and game commission. (Amendment printed SJ 19, 4/21/92)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dyer, Dowd, McGovern and Letourneau.

**HB 1399-FN**, changing the name of the board of examiners of psychologists to the board of examiners of psychology and mental health practice, expanding such board, and certifying mental health counselors. (Amendment printed SJ 19, 4/21/92)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Ward, Emerton, Goulet and Gosselin.

**HB 675-FN**, relative to DWI penalties while operating a motor vehicle, OHRV, or boat or while transporting a child. (Amendment printed SJ 19, 4/21/92)

Rep. Lown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lozeau, Richard Campbell, C. William Johnson and Baldizar.

**HB 1128**, classifying certain misdemeanors as either class A or class B. (Amendment printed SJ 19, 4/21/92)

Rep. Lown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lozeau, Lown, Burling and Donna Sytek.

**HB 1105**, relative to disclosure of campaign contributions by candidates for local and school district elections. (Amendment printed SJ 19, 4/21/92)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.



Adopted.

The Speaker appointed Reps. Holden, Flanagan, Trombly and Peyron.

**HB 1473-FN**, establishing a New Hampshire scenic and cultural byways system. (Amendment printed SJ 18, 4/16/92)

Rep. Gene Chandler moved that the House concur.

Adopted.

**HB 1101**, relative to certain liquor license fees and expanding certain prohibitions regarding competing interest in liquor and wine sales. (Amendment printed SJ 19, 4/21/92)

Rep. Robert Kelley moved that the House concur.

Adopted.

**HB 1113**, relative to compatible and conflicting liquor and beverage licenses. (Amendment printed SJ 19, 4/21/92)

Rep. Robert Kelley moved that the House concur.

Adopted.

**HB 1116**, relative to certain liquor and beverage licenses. (Amendment printed SJ 19, 4/21/92)

Rep. Robert Kelley moved that the House concur.

Adopted.

**HB 1345**, allowing off-sale beer and wine licensees to advertise by signs and posters. (Amendment printed SJ 19, 4/21/92)

Rep. Robert Kelley moved that the House concur.

Adopted.

**HB 601-FN-A**, establishing a public water access advisory board and a statewide public boat access program and continually appropriating a special fund for the purposes of the program and creating a new class of highways for access to public waters. (Amendment printed SJ 19, 4/21/92)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Conroy, Jankowski and Allen Wiggin.

**HB 1436**, relative to septic setbacks and terrain alteration permits. (Amendment printed SJ 19, 4/21/92)

Rep. Dickinson moved that the House concur.

Adopted.

**HB 1388**, imposing a civil penalty in any proceeding in which a rule of a manufactured housing park owner is deemed unreasonable. (Amendment printed SJ 19, 4/21/92)

Rep. Tufts moved that the House concur.

Adopted.

#### NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

**SB 62-FN**, requiring the introduction of legislation in the 1993 session relative to athletic trainers and the board of registration in medicine.

The President appointed Sens. Currier, Fraser and Blaisdell.

Rep. Ward moved that the House accede.

Adopted.

The Speaker appointed Reps. Ward, Goulet, Gosselin and Dowd.

**SB 321**, repealing an exemption for town clerks relative to voter registration.

The President appointed Sens. Bass, Delahunty and St. Jean.

Rep. Flanagan moved that the House accede.

Adopted.

The Speaker appointed Reps. Warburton, Holden, Flanagan and Gilmore.

**SB 452-FN-L**, redistricting certain courts.

The President appointed Sens. Podles, Hollingworth and Russman.

Rep. Lown moved that the House accede.

Adopted.

The Speaker appointed Reps. Jacobson, Lown, Donna Sytek and Knowles.

## COMMITTEE REPORTS

### CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

**SB 382**, establishing a study committee on the selection, nomination and confirmation of judicial appointees, was removed at the request of Rep. Lougee.

Consent Calendar adopted.

**SB 445-FN**, establishing a committee to study issues relating to the fishing industry. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard W. Lougee for Fish and Game: In testimony to the Committee, the Director of the Department of Resources and Economic Development (DRED) exhibited a willingness to work cooperatively with those groups affected by this bill. There already exists a Marine Use Advisory Committee to the department made up exactly of those constituent groups this bill seeks input from. The Committee did not find enough evidence of dissatisfaction with the department's stewardship of public piers and facilities (under its legislative mandate to operate in a business-like manner) to warrant a large study committee that is unlimited in scope, limited in time, and non-specific in its goals. Users are better served by working with the department or through their local representatives with specific legislation. Vote 17-0.

**SB 346**, relative to certain restraining orders and requiring arrest for certain violations of such restraining orders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donnalee M. Lozeau for Judiciary: This bill allows the court the same powers for divorce, annulment and separation that it has relative to domestic violence in the area of restraining orders. It also provides for a person violating the restraining order (by committing certain crimes) to be arrested. The amendment changes an inequity in the definition of a household member. Vote 11-1.

5893L

### Amendment.

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to certain orders of protection and to certain restraining orders and requiring arrest for certain violations of such restraining orders and modifying the definition of household member.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 5:

2 Child Protection Act; Household Members. Amend RSA 169-C:28-a, I and II to read as follows:

I. For the purposes of this section, "household member" shall mean any person living with the parent, guardian or custodian of a child from time to time or on a regular basis who [is involved] **interacts with the child either** occasionally or regularly [with the care of the child].

II. Any petition filed under RSA 169-C:7 shall include the name of any household member **who is alleged to have abused or neglected** [of] the child [who is the subject of the petition, if any].

3 New Subparagraph; Child Protection Act; Household Members. Amend RSA 169-C:28-a, III by inserting after subparagraph (c) the following new subparagraph:

(d) Stay away from the home, another party, or the child.

4 Child Protection Act; Objection to Order. Amend RSA 169-C:28-a, IV to read as follows:

IV. If a household member objects to any order issued under paragraph III, he shall object in writing to the court having jurisdiction within 5 days after receipt of notice of the order. The court shall hold a hearing to consider the objection [before requiring compliance with the order]. Upon good cause shown, the court may excuse the household member from the provisions of the order as they apply to him. **A request for hearing shall stay the effect of the order, unless the court finds that such a stay is not in the best interests of the child.**

#### AMENDED ANALYSIS

This bill permits the superior court to issue temporary or permanent restraining orders ex parte after the filing of a libel for divorce, annulment, separation or a decree of nullity.

This bill also requires that a person who violates a restraining order by committing certain crimes shall be arrested.

This bill also modifies the definition of "household member" under RSA 169-C and authorizes the court, upon the filing of a petition under the child protection act, to issue an order requiring a household member to stay away from the home, another party, or the child. The household member may appeal the order.

**SB 348**, establishing a committee to study the present and future needs of the correctional system. **OUGHT TO PASS WITH AMENDMENT**

Rep. Alf E. Jacobson for Judiciary: The bill establishes a committee to study the present and future needs. The amendment reduces the membership from 17 to 14 and changes some members so as to achieve a balance of members that also can focus on such areas as alcohol abuse, legal assistance and mental health services. The amendment also limits the study to the state correctional system and includes, as an objective of study, the special needs of women in prison. Vote 13-1.

5899L

#### Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Statement of Purpose. The general court finds that it is in the public interest to have a correctional system capable of safely and humanely incarcerating those individuals placed in its custody. The general court also recognizes that for this to be accomplished a comprehensive study of the state correctional system is now needed to plan for the future demands that will be placed upon the system.

2 Study Committee Established; Membership. There is established a correctional system review committee to study all areas of state policy having an effect on the

ability of the state to serve its inmate population and to meet future demands upon the correctional system. The committee shall consist of the following members:

I. One senate member from the senate judiciary committee, appointed by the president of the senate.

II. One senate member from the senate capital budget committee, appointed by the president of the senate.

III. One house member from the house judiciary committee, appointed by the speaker of the house.

IV. One house member from the house public works committee, appointed by the speaker of the house.

V. One member of the public, appointed by the speaker of the house.

VI. One member of the public, appointed by the president of the senate.

VII. An attorney representing the New Hampshire public defender's office, appointed by the office.

VIII. A county attorney, appointed by the New Hampshire Association of Counties.

IX. One member representing the office of alcohol and drug abuse prevention, appointed by the director of such office.

X. One attorney appointed by New Hampshire Legal Assistance.

XI. One member representing the department of education, appointed by the commissioner of education.

XII. One member appointed by the director of the division of mental health services.

XIII. A member of the medical profession with expertise in medical services but not an employee of the prison system, appointed by the governor.

XIV. A representative of the New Hampshire State Employees Association, appointed by the association.

Amend section 3 of the bill by inserting after paragraph VIII the following new paragraph:

IX. The special needs of women prisoners.

### REGULAR CALENDAR

**SB 304-FN-A**, relative to business assistance and institutional arrangements.(A) OUGHT TO PASS.

Rep. David E. Cote for Appropriations: This bill accomplishes the following: (1) authorizes the Industrial Research Center at UNH to enter into a research partnership with Dartmouth College, with a focus on bio-tech research and development; (2) extends the reporting date for the New Hampshire economic development commission's long-term strategic plan from June 30 to September 1, 1992; (3) changes the name of the administrator of federal-state financial information to the coordinator of federal funds; and (4) adds a member to the oversight committee at the Industrial Technology Research and Innovation Center at the Durham UNH campus. The sum of \$500,000 (which is in the supplemental budget) will be appropriated to the Economic Development Fund. Vote 19-1.

Adopted.

Ordered to third reading.



**SB 319**, separating the AFDC standard of need from the AFDC payment standard, increasing the AFDC standard of need and increasing medicaid eligibility for pregnant women and children.(A) OUGHT TO PASS WITH AMENDMENT.

Rep. Douglas E. Hall for Appropriations: The part of this bill dealing with the AFDC standard of need is identical to that already passed by both House and Senate in HB 1468. This bill also increases the eligibility level for Medicaid for pregnant women and infants from 133% of the poverty level to 150%. Approximately 215 individuals will become newly eligible for Medicaid health care. National studies show that extending services to this high risk population will result in lower expenditures for neo-natal intensive care (very expensive!) in subsequent years. Any such savings would occur only in FY 94 and later.

The committee amendment changes the effective date to July 1, 1992 and limits eligibility of children to those under age 1. The appropriation of \$492,093 in general funds, if it is to occur, will be dealt with by the conference committee on HB 1025.

Although, because of deadlines, the committee makes the above recommendation, we will ask that this bill be laid upon the table until the budget numbers are resolved in the committee of conference on HB 1025. Vote 16-2.

5809L

#### Amendment

Amend the bill by replacing all after section 3 with the following:

4 New Paragraph; Medical Assistance for Pregnant Women and Infants Added. Amend RSA 167:3-c inserting after paragraph VI the following new paragraph:

VII. Medical assistance to pregnant women and infants up to 1 year of age under RSA 167:3-d.

5 New Section; Medical Assistance Coverage for Pregnant Women and Infants Added. Amend RSA 167 by inserting after section 3-c the following new section:

167:3-d Medical Assistance for Pregnant Women and Infants. The director of the division of human services shall adopt rules under RSA 541-A establishing categorically needy coverage groups under RSA 167:6, VII to provide medical assistance coverage, effective July 1, 1992, to pregnant women, and infants up to 1 year of age, up to 150 percent of the federal poverty level.

6 Effective Date. This act shall take effect July 1, 1992.

Adopted.

Rep. Hager spoke to the bill.

#### LAIID ON THE TABLE

Rep. Ferguson moved that **SB 319**, separating the AFDC standard of need from the AFDC payment standard, increasing the AFDC standard of need and increasing medicaid eligibility for pregnant women and children, be laid on the table.

Adopted.

**SB 376-FN-A**, relative to congregate services programs.(A) OUGHT TO PASS WITH AMENDMENT.

Rep. Gerald P. Merrill for Appropriations: The amendment to this bill removed sections 1 and 2. Rulemaking will be left in this bill. There is no appropriation in this bill. Vote 14-5.

5870L

#### Amendment

Amend the bill by deleting sections 1 and 2 and renumbering the original sections 3 and 4 to read as 1 and 2, respectively.

## AMENDED ANALYSIS

This bill requires the director of elderly and adult services to adopt rules regarding eligibility for assistance through the National Affordable Housing Act for congregate services.

Adopted.

Report adopted.

Ordered to third reading.

**SB 378**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services. (A) OUGHT TO PASS.

Rep. John P. Chandler for Appropriations: This bill transfers from county attorneys to the Division of Human Services responsibility for duties under the uniform enforcement of support act. The expense of the program will now require general funds starting in FY 93; however, federal matching funds not available to the counties will be available to the state.

Although, because of deadlines, the committee makes the above recommendation, we will ask that this bill be laid upon the table until the budget numbers are resolved in the committee of conference on HB 1025. Vote 17-1.

## LAID ON THE TABLE

Rep. Stacey Cole moved that **SB 378**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services, be laid on the table.

Adopted.

**SB 393**, relative to infrastructure development and making appropriations therefor. (A) OUGHT TO PASS.

Rep. Robert G. Holbrook for Appropriations: This is one of the three economic development bills designed to spur the development of New Hampshire and bring back a robust climate for business, industry and all citizens. The bill (1) establishes a committee to study the feasibility of a technical college in Haverhill, NH; (2) requires approval of a municipality before expansion of an airport district; (3) clarifies local jurisdiction with respect to land use control issues; (4) makes a contingent bonded appropriation to the University of New Hampshire for a research facility; (5) releases money appropriated for the expansion of the Port of New Hampshire; and (6) authorizes bonds for the UNH research facility preliminary design and site planning. Vote 19-0.

Rep. Holbrook yielded to questions.

On a division vote 186 members having voted in the affirmative and 67 in the negative, the Committee Report was adopted.

**SB 438-FN-A**, relative to the department of transportation equipment inventory fund and making an appropriation therefor. (A) OUGHT TO PASS WITH AMENDMENT.

Rep. Merle W. Schotanus for Appropriations: This amendment proposes an alternative funding method to the Senate proposal to bond \$7,000,000. to match federal highway (ISTEA) funds and \$5,000,000. for highway betterments in HB 1025-A and HB 1026 respectively. The amendment proposes meeting the highway funding needs by increasing the gasoline tax 4¢ per gallon, phased as follows: 1.5¢ effective June 1, 1992; 1.5¢ effective January 1, 1993; and 1¢ as of July 1, 1993. This will provide

needed funds for highway betterment projects and federal ISTEA match in FY 93, and to increase municipal bridge aid and assist municipalities and charitable organizations in mass transit in FY 94. A 4¢ increase in the gas tax will ultimately yield \$19,200,000. for the highway fund and \$2,800,000. for towns and cities in FY 93 and FY 94. The basic subject of SB 438-FN-A, which establishes a revolving equipment fund in the Department of Transportation, will become an amendment to HB 1026. Vote 19-1.

Rep. Gross moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Reps. Hager, Schotanus, John Chandler, Kurk and Ferguson spoke in explanation of the proposed Committee amendment.

Rep. Guay spoke against the amendment and yielded to questions.

Reps. Donna Sytek and Gene Chandler spoke in favor of the substitute motion.

Reps. Hager and Gross yielded to questions.

The substitute motion was adopted.

Referred for Interim Study.

## RECESS

(Speaker Burns in the Chair)

### REGULAR CALENDAR (continued)

**SB 441-FN-A**, establishing a statewide enhanced 911 system and continually appropriating a special fund. OUGHT TO PASS WITH AMENDMENT.

Rep. Robert G. Holbrook for Appropriations: This bill establishes a statewide "enhanced" 911 system for emergency call and response. There is a \$100,000 appropriation for start-up costs which will be reimbursed from the fund created by a surcharge on each residence and business telephone line. Vote 17-2.

Rep. Roulston moved that the words Refer for Interim Study be substituted for the report of the Committee, Ought to Pass with Amendment and spoke to his motion.

Reps. Murphy and Scott Green spoke in favor.

Reps. Salatiello and Ward spoke against.

Rep. Gilmore spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the substitute motion.

### YEAS 69

### NAYS 257

#### YEAS 69

#### BELKNAP

Accornero, Harry

Dewhirst, Glenn E.

Zaharchuk, Peter J., Jr.

#### CARROLL

Allard, Nanci A.

#### CHESHIRE

Clark, Eugene W.

Hogan, James B.

Pearson, Gertrude B.

#### COOS

Merrill, Gerald P.

Nelson, Harold D.

#### GRAFTON

Trelfa, Richard T.

**HILLSBOROUGH**

Andrews, Frederick B.	Bourque, Ann J.	Bowers, Dorothy C.
Carpenter, Karen A.	Daniels, Gary L.	Desrochers, Gerard T.
Dodge, Emma M.	Domaingue, Jacquelyn M.	Ferguson, Charles
Ferlan, Arthur P.	Goulet, Maurice E.	Green, Scott E.
Hultgren, David D.	Janas, Gregory	Keane, Cornelius J.
King, Frank P.	Kurk, Neal M.	Larochelle, Roger B.
Laughlin, J. Francis	Lawrence, Norman B.	Martin, Mary Ellen
McDowell, James E.	Murphy, Robert E.	Ouellette, Robert O.
Packard, Bonnie B.	Paquette, Rodolphe G.	Riley, Frances L.
Rothhaus, Finlay C.	Stiles, Walter A.	Turgeon, Roland M.
Upton, Barbara A.	Wheeler, David K.	Wright, George W.

**MERRIMACK**

Feuerstein, Martin	Gilbreth, Robert M.	Smith, Gerald R.
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**ROCKINGHAM**

Buco, Stephen W.	Dowling, Patricia A.	Dube, LeRoy S.
Flanagan, Natalie S.	Ford, Bert H.	Gage, Beverly A.
Gribsch, Linda	Hoelzel, Kathleen M.	Klemm, Arthur P., Jr.
McKinney, Betsy	Raynowska, Bernard J.	Roulston, Donald L.
Sytek, Donna P.	Sytek, John J.	Weyler, Kenneth L.

**STRAFFORD**

Corte, Arthur B.	Flynn, Edward J.	Knowles, William V.
Marston, Robert E.	Pageotte, Donald P.	Parks, Joe B.
Vincent, Francis C.		

**SULLIVAN**

Peyron, Fredrik

**NAYS 257  
BELKNAP**

Bartlett, Gordon E.	Cain, Thomas G.	Campbell, Richard H., Jr.
Golden, Paul A.	Hawkins, Robert S.	Holbrook, Robert G.
Johnson, Carl R.	Joscelyn, William W.	Rice, Thomas E. P., Jr.
Rosen, Ralph J.	Salatiello, Thomas B.	Shibley, Arnold P.
Turner, Robert H.	Vogler, Charles C.	Ziegara, Alice S.

**CARROLL**

Beach, Mildred A.	Bradley, Jeb E.	Chandler, Gene G.
Daly, Robert J., Jr.	Dickinson, Howard C.	Foster, Robert W.
Jean, Robert R.	Saunders, Howard N.	Wiggin, Allen R.
Wiggin, Gordon E.		

**CHESHIRE**

Burnham, Daniel M.	Champagne, Richard L.	Cole, Stacey W.
Crutchley, Donald O.	DePecol, Benjamin J.	Feuer, Joseph N.
Grodin, Richard A.	Hunt, John B.	Kennison, Wayne A.
Kingsbury, H. Thayer	Laurent, John J.	Lynch, Margaret A.
Metzger, Katherine H.	Mohr, Frederick C., Jr.	Perry, David M.
Pratt, Irene A.	Riley, William A.	Sawyer, Alfred P.
Young, David A.		



**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Kilbride, Dennis J.  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Marsh, Beaton  
Pratt, Leighton C.

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Theriault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
Hill, Richard L.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
White, Paul R.

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
LaMott, Paul I.  
Markley, J. Keith  
Nordgren, Sharon L.  
Wadsworth, Karen O.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
Larson, Nils H., Jr.  
McIlwaine, Deborah P.  
Shackett, Ralph E.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
Amidon, Eleanor H.  
Baker, George H., Sr.  
Buckley, Raymond  
Clemons, Jane A.  
Daigle, Robert A.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Hall, Betty B.  
Holden, Carol H.  
Jean, Romeo W.  
Kelley, Robert N.  
Lawrence, Eva M.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Peters, Stanley W.  
Rheault, Lillian I.  
Sallada, Roland A.  
Soucy, Donna M.  
Vanderlosk, Stanley R.

Ahrens, Frederick G.  
Arnold, Barbara E.  
Baldizar, Barbara J.  
Calawa, Leon, Jr.  
Cote, David E.  
Desrosiers, William J.  
Drolet, Paul L.  
Elliott, Larry G.  
Ford, Nancy M.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Johnson, Lionel W.  
L'Heureux, Robert J.  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Nardi, Theodora P.  
Record, Alice B.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Tarpley-Bamberger, Nancy L.  
Wheeler, Robert L.

Alukonis, David J.  
Asselin, Robert P.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Crotty, Edward J.  
Donovan, Francis X.  
Durham, Susan B.  
Emerton, Lawrence A.  
Gagnon, Eugene L.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Jean, Claudette R.  
Kelley, Dana F.  
Lachut, Ervin R.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Messier, Irene M.  
Pepino, Leo P.  
Reidy, Frank J.  
Rodgers, G. Philip  
Smith, Leonard A.  
Tate, Joan C.  
White, John M.

**MERRIMACK**

Apple, Lowell D.  
Braiterman, Thea  
Christie, Thomas J.  
Fillion, Paul R.  
Hall, Douglas E.  
Holmes, Mary C.  
Kidder, William F.  
Lockwood, Robert A.

Barberia, Richard A.  
Chandler, Earle W.  
Daneault, Gabriel J.  
Gross, Caroline L.  
Hayes, Robert C.  
Jacobson, Alf E.  
Letourneau, George E.  
Nichols, Avis B.

Boucher, Laurent J.  
Chandler, John P.  
Dunn, Miriam D.  
Hager, Elizabeth S.  
Hill, Michael J.  
Johnson, C. William  
Lewis, Mary Ann  
Soldati, Jennifer G.

Stio, Peter M.  
Wallner, Mary Jane  
Yeaton, Charles B.

Teague, Bert  
Weeks, John F., Jr.

Trombly, Rick A.  
Whittemore, James A.

### ROCKINGHAM

Barnes, John S., Jr.  
Boucher, William P.  
Conroy, Janet M.  
Dowd, Sandra K.  
Flanders, Harry E.  
Haynes, Richard  
Hutchinson, Karen K.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
Magoon, Harold F.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Schanda, Joseph, Sr.  
Skinner, Patricia M.  
Terninko, Margaret B.  
Vaughn, Charles L.

Bell, Juanita L.  
Clark, Martha Fuller  
Cooke, Annette M.  
Drake, Herbert R.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Johnson, Robert A.  
Katsakiores, Phyllis  
MacDonald, Joseph A.  
Malcolm, Kenneth W.  
McGovern, Cynthia A.  
Rosencrantz, James R.  
Senter, Marilyn P.  
Smith, Arthur W.  
Thayer, Leroy C.  
Welch, David A.

Benton, Richardson D.  
Connell, David R.  
Cote, Patricia L.  
Felch, Charles H., Sr.  
Greene, Elizabeth A.  
Hurst, Sharleene P.  
Kane, Cecelia D.  
Klemarczyk, Thaddeus E.  
MacKinnon, Nancy W.  
McCain, William F.  
Melnick, Roy E.  
Rubin, George R.  
Seward, Russell G.  
Syracusa, Anthony  
Tufts, Arthur  
Woods, Deborah L.

### STRAFFORD

Bickford, Drucilla  
Foss, Patricia H.  
Hambrick, Patricia A.  
Kincaid, William K.  
Merrill, Amanda A.  
O'Brien, John  
Torr, Ann M.  
Wall, Janet G.

Brown, Julie M.  
Frechette, Roland A.  
Jankowski, Peter M.  
Kinney, Paula J.  
Messier, Donald R.  
Pelley, Janet R.  
Torr, Ralph W.  
Wheeler, Katherine W.

Douglass, Clyde J.  
Gilmore, Gary R.  
Keans, Sandra B.  
Martling, W. Kent  
Nehring, William H.  
Sullivan, Henry P.  
Tsiros, William

### SULLIVAN

Allison, David C.  
Krueger, Richard H.  
Rodeschin, Beverly T.

Burling, Peter Hoe  
Lindblade, Eric N.  
Schotanus, Merle W.

Domini, Irene C.  
Middleton, John A.

and the motion failed.

Rep. Hager withdrew the Committee amendment.

Rep. Ward offered a floor amendment.

5924L

### Floor Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Establishment and Operation of Enhanced 911 System. Amend RSA by inserting after chapter 106-G the following new chapter:

#### CHAPTER 106-H

#### ENHANCED 911 SYSTEM

106-H:1 Statement of Purpose. The general court of the state of New Hampshire declares that the interests of the state's citizens will be served by a coordinated state-wide enhanced 911 system, utilizing 911 as the primary emergency telephone num-

ber, which will develop and improve emergency communication procedures and facilities with the objective of reducing the response time to emergency calls for law enforcement, fire, medical, rescue and other emergency services.

106-H:2 Definitions. In this chapter:

I. "Automatic location identification" or "ALI" means the system capability to identify automatically the geographical location of the telephone being used by the caller and to provide a display of that location at the public safety answering point.

II. "Automatic number identification" or "ANI" means the system capability to identify automatically the calling telephone number and to provide a display of that number at the public safety answering point.

III. "Bureau" means the bureau of emergency communications, established by the commission under RSA 106-H:3.

IV. "Commission" means the enhanced 911 commission established in RSA 106-H:3.

V. "Commissioner" means the commissioner of the department of administrative services.

VI. "Emergency services" means fire, police, ambulance, rescue and other service of an emergency nature identified by the bureau.

VII. "Enhanced 911 system" and "enhanced 911 services" means a system consisting of selective routing with the capability of automatic number and location identification at a public safety answering point, which enables users of the public telecommunications system to request emergency services by dialing the digits 911.

VIII. "Enhanced ANI/ALI" means the capability of a municipality or other political subdivision to receive ANI and ALI displays from 911 calls routed from the public safety answering point.

IX. "Private safety agency" means a private entity which provides emergency police, fire, ambulance, or medical services.

X. "Public agency" means the state government and any unit of municipal or county government located within the state which provides or has authority to provide firefighting, law enforcement, ambulance, medical or other emergency services.

XI. "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, ambulance, medical, rescue or other emergency services.

XII. "Public safety answering point" means a facility with enhanced 911 capability, operated on a 24-hour basis, assigned the responsibility of receiving 911 calls and transferring or relaying emergency 911 calls to other public safety agencies or private safety agencies.

XIII. "Relay routing" means the method of responding to a telephone request for emergency service whereby a public safety answering point notes pertinent information and relays it by telephone to the appropriate public safety agency or private safety agency for dispatch of an emergency service unit.

XIV. "Transfer routing" means the method of responding to a telephone request for emergency service whereby a public safety answering point transfers the call directly to the appropriate public safety agency or private safety agency for dispatch of an emergency service unit.

106-H:3 Commission and Bureau Established.

I.(a) There is hereby an enhanced 911 commission consisting of 13 members, including the chief of the bureau of emergency medical service or designee, the chairman of the public utilities commission or designee, a representative of the department

of safety, a public member, a police officer and firefighter both experienced in responding to emergency calls, and one active member recommended by each of the following organizations, nominated by the governor with the approval of the council:

- (1) New England Telephone Company.
- (2) New Hampshire Association of Fire Chiefs.
- (3) New Hampshire Association of Chiefs of Police.
- (4) New Hampshire Federation of Fire Mutual Aids.
- (5) New Hampshire Municipal Association.
- (6) New Hampshire Sheriffs Association.
- (7) New Hampshire Telephone Association.

(b) The commission shall establish a bureau of emergency communications which shall administer enhanced 911 services. The commission shall oversee the administration of such services.

II. Members of the commission shall initially be appointed for terms of one, 2 and 3 years; thereafter members shall be appointed to serve 3-year terms. In the event of a vacancy, a replacement shall be appointed for the remaining term. No member shall serve beyond the time he ceases to hold the office, employment or membership which qualified him for appointment to the commission.

III. Members of the commission shall serve without compensation but shall be entitled to receive reimbursement for any actual expenses incurred as a necessary incident to such service.

IV. Members shall annually elect from among themselves a person to serve as commission chairman and another to serve as commission vice-chairman. The commission shall hold no fewer than 4 regular meetings a year at such times and places as the chairman shall fix, either on his own motion or upon written request of any 4 members.

106-H:4 Bureau Administratively Attached. The bureau shall be an administratively attached agency, under RSA 21-G:10, to the office of the commissioner of administrative services.

106-H:5 Powers and Duties.

I. The bureau shall:

(a) Coordinate and effect the implementation of the enhanced 911 system and administer its services within the state, to become fully operational within 3 years of the effective date of this chapter.

(b) Establish technical and operational standards for the creation of a public safety answering point, which utilizes enhanced 911 network features.

(c) Require submission of reports and information from those public safety agencies within the state that the bureau determines have information pertinent to the effective functioning of the bureau.

(d) Prepare and submit to the commissioner a budget for the bureau's operations which shall be included in the department of administrative services budget.

(e) Make such investigations as may be necessary to determine whether governmental units are complying with the provisions of this chapter.

(f) File no later than June 1, 1993, and annually thereafter, a written report to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, the status of development of operational standards and training programs, the development of the data base, revenue generated from telephone subscribers, budget and revenue projections, the degree of coordination



with municipalities, the extent of public use of the service and the quality of service rendered.

(g) Establishes the duties and qualifications of the director.

II. The bureau may:

(a) Make or cause to be made studies of any aspect of the enhanced 911 system, including but not limited to service, operations, training, data base development, and public awareness.

(b) Enter into contracts and do such things as may be necessary and incidental to the administration of the bureau's authority pursuant to this chapter.

(c) Undertake any project and engage in any activity which will serve to improve enhanced 911 services.

(d) Accept in the name of the state any and all donations or grants, both real and personal, from any governmental unit or public agency or from any institution, person, firm, or corporation. The bureau shall receive, utilize, and dispose of all donations and grants consistent with the rules of the bureau and the purpose or conditions of the donation or grant.

106-H:6 Executive Director; Bureau of Emergency Communications Personnel.

I. There shall be an executive director of the bureau who shall be an unclassified employee and shall be compensated as provided in RSA 94:1-a. The executive director shall be appointed by the governor with the approval of the council from 3-persons nominated by the commission.

II. The executive director, subject to the approval of the commissioner, shall appoint such personnel as may be necessary to perform the duties assigned by the bureau subject to the limits of available funds. Personnel appointed under this paragraph shall be classified state employees as defined by the division of personnel.

106-H:7 Rulemaking Authority. The bureau shall adopt rules, pursuant to RSA 541-A, relative to:

I. The conduct of its meetings.

II. The development of minimum selection, educational, and training standards for emergency public safety answering point personnel.

III. Procedures for the conduct of investigations authorized under this chapter.

IV. Procedures for the collection and updating of the necessary data base.

V. Procedures for the necessary cooperation and coordination with telephone utilities, municipalities, and the public for the effective implementation of the enhanced 911 system.

VI. Procedures necessary for adequate funding of the enhanced 911 system, including coordination with the public utilities commission for appropriate tariff and billing mechanisms.

VII. Procedures necessary to provide for the proper administration of and to further the purposes of this chapter.

106-H:8 Telephone Utility Coordination. Every telephone utility authorized to do business in the state pursuant to RSA 374:22 shall make available the universal emergency telephone number 911 for use by the public in seeking assistance from fire, police and other related safety agencies through a single public safety answering point, no later than 3 years from the effective date of this chapter.

106-H:9 Funding; Fund Established.

I. The enhanced 911 system shall be funded through a surcharge to be levied upon each residence and business telephone exchange line, including PBX trunks and Centrex lines, trunks and lines serving cellular communications towers in the state,

and semi-public coin and public access lines. No such surcharge shall be imposed upon more than 25 lines per customer billing account. The surcharge shall be contained within tariffs filed with the public utilities commission and shall be billed on a monthly basis by each local exchange telephone company. Each local exchange telephone company shall remit the surcharge amounts on a monthly basis to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. Such fund shall be continually appropriated to the bureau and shall not lapse. The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services, in accordance with the terms of this chapter. Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs shall be filed with the public utilities commission reflecting the surcharge amount.

II. Imposition of the enhanced 911 services surcharge shall begin not later than 4 months from the approval of the budget, in order to provide adequate funding for the development of the enhanced 911 data base and other operations necessary to the development of the enhanced 911 system.

106-H:10 Municipal Cooperation. Each municipality is encouraged to establish a customer data base containing information to identify the location of each telephone number within the municipality. Customer information provided under this chapter may be used only for the purposes of responding to emergency calls or for the investigation of false or intentionally misleading reports of incidents requiring emergency services.

106-H:11 Enhanced ANI/ALI Capability. Municipalities or other political subdivisions may petition the bureau for the provision of equipment which will facilitate or expand the enhanced 911 capability of a dispatch office. The bureau shall review any application for enhanced ANI/ALI capability to determine if the requested equipment will be fully coordinated with the primary public safety answering point in operation and services.

106-H:12 Confidentiality.

I. Automatic number identification and automatic location identification information consisting of the address and telephone numbers of telephone subscribers whose listings are not published in directories or listed in directory assistance offices is confidential. Such confirmation will be provided on a call-by-call basis only for the purpose of handling emergency calls and any permanent record of such information shall be secured by the public safety answering point and disposed of in a manner which will retain that security except as otherwise required by applicable law.

II. Any telephone subscriber may notify the bureau that a member of the household or business served by the telephone line has a physical impairment or otherwise has special needs. This information shall be accorded the same confidentiality as all other identifying information, and shall be used only as necessary for the provision of emergency services.

106-H:13 Penalty for False Information. Any person who dials or otherwise causes 911 to be called for the purpose of making a false alarm or complaint or purposely reports false information which could result in the dispatch of emergency services shall be guilty of a misdemeanor.

2 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (uu) the following new subparagraph:

(vv) Moneys received under RSA 106-H which shall be credited to the enhanced 911 system fund established in RSA 106-H:9.

3 New Paragraph; Duty Added. Amend RSA 21-P:6 by inserting after paragraph VI the following new paragraph:

VII. Clerical support for the enhanced 911 commission and the bureau of emergency communications established in RSA 106-H.

4 New Paragraph; Transfers. Amend RSA 21-P:15 by inserting after paragraph III the following new paragraph:

IV. Any transfer involving enhanced 911 services shall require the concurrence of the bureau of emergency communications which administer enhanced 911 services.

5 Salary. Amend RSA 94:1-a, I by inserting in group N, executive director, bureau of emergency communications.

6 Enhanced 911 Services Added. Amend RSA 508:12-a, III to read as follows:

III. No person or corporation shall be liable in any suit for civil damages who, in good faith and without willful or wanton negligence[,] **receives, develops, collects or processes information for the enhanced 911 data base, relays or transfers enhanced 911 services or** provides emergency telephone and radio communications for ambulance, police and fire departments.

7 Appointments. Appointments to the enhanced 911 commission established pursuant to RSA 106-H:3 as inserted by section 1 of this act shall be made within 30 days of the effective date of this section.

8 Initial Operations; Appropriation.

I. For the purposes of initiating the enhanced 911 system, the bureau shall submit an initial budget to the legislative fiscal committee for final approval.

II. The executive director, and such other staff as are appropriate, shall be appointed pursuant to RSA 106-H:6 and shall be hired for the purposes of initiating the enhanced 911 system.

III. For the purposes of initiating the system, the governor is authorized to draw his warrant from funds not otherwise appropriated, in an amount not to exceed \$100,000, and any expenditures pursuant to this section shall be reimbursed to the general fund, notwithstanding RSA 106-H:9, once sufficient funds have been collected pursuant to RSA 106-H:9.

9 Committee Established.

I. There is hereby established an enhanced 911 system advisory committee to advise the commissioner of the department of administrative services regarding enhanced 911 system issues. The committee members shall be as follows:

(a) The speaker of the house of representatives, or designee.

(b) The president of the senate, or designee.

(c) The governor, or designee.

(d) Three members of the house of representatives, appointed by the speaker of the house of representatives one each from the following house committees: executive departments and administration, science and technology, and appropriations. The speaker may appoint alternates for these positions.

(e) Three members of the senate, appointed by the president of the senate, including one each from the following senate committees: senate finance and executive departments. The senate president may appoint alternates for these positions.

(f) The commissioner of the department of administrative services, who shall act as chairman of the committee.

II. The advisory committee shall serve as the transition authority and shall coordinate and oversee the transition to the new enhanced 911 system structure. During

such transition period, the advisory committee shall make recommendations which shall be in the best interest of the state to the commissioner of administrative services.

10 Effective Date.

I. RSA 106-H:12 and 106-H:13 as inserted by section 1 of this act shall take effect January 1, 1993.

II. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill establishes a coordinated statewide enhanced 911 system which will use the digits 911 as the primary emergency number. The system is to be coordinated and implemented by the bureau of emergency communications. The enhanced 911 commission oversees the bureau. The 911 system is to be funded through a surcharge which will be levied on each residence and business telephone.

The bill makes an appropriation for the initial costs of the 911 system.

The bill establishes an advisory committee to the commissioner of administrative services to coordinate and oversee the transition to the new enhanced 911 system.

This bill resulted from the study committee established under 1991, Chapter 9.

Rep. Ward spoke in favor and yielded to questions.

Reps. Rodeschin and Hager yielded to questions.

Adopted.

Rep. Ward offered a floor amendment

5974L

#### Floor Amendment

Amend RSA 106-H:5 as inserted by section 1 of the bill by replacing it with the following:

106-H:5 Powers and Duties.

I. The commission shall:

(a) Coordinate and effect the implementation of the enhanced 911 system and administer its services within the state, to become fully operational within 3 years of the effective date of this chapter.

(b) Establish technical and operational standards for the creation of a public safety answering point, which utilizes enhanced 911 network features.

(c) Require submission of reports and information from those public safety agencies within the state that the bureau determines have information pertinent to the effective functioning of the bureau.

(d) Prepare and submit to the commissioner a budget for the bureau's operations which shall be included in the department of administrative services budget.

(e) Make such investigations as may be necessary to determine whether governmental units are complying with the provisions of this chapter.

(f) File no later than June 1, 1993, and annually thereafter, a written report to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, the status of development of operational standards and training programs, the development of the data base, revenue generated from telephone subscribers, budget and revenue projections, the degree of coordination with municipalities, the extent of public use of the service and the quality of service rendered.

(g) Establish the duties and qualifications of the director.

II. The commission may:



(a) Make or cause to be made studies of any aspect of the enhanced 911 system, including but not limited to service, operations, training, data base development, and public awareness.

(b) Enter into contracts and do such things as may be necessary and incidental to the administration of the bureau's authority pursuant to this chapter.

(c) Undertake any project and engage in any activity which will serve to improve enhanced 911 services.

(d) Accept in the name of the state any and all donations or grants, both real and personal, from any governmental unit or public agency or from any institution, person, firm, or corporation. The bureau shall receive, utilize, and dispose of all donations and grants consistent with the rules of the bureau and the purpose or conditions of the donation or grant.

Rep. Ward spoke in favor and yielded to questions.

Adopted.

Rep. John Sytek offered a floor amendment.

5886L

### Floor Amendment

Amend the bill by replacing section 5 with the following:

5 Salary. Amend RSA 94:1-a, I by inserting in group M, executive director, bureau of emergency communications.

Rep. John Sytek spoke in favor and yielded to questions.

Reps. Rodeschin and Channing Brown spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the floor amendment.

### YEAS 162

### NAYS 167

#### YEAS 162 BELKNAP

Accornero, Harry  
Joscelyn, William W.

Dewhirst, Glenn E.  
Zaharchuk, Peter J., Jr.

Johnson, Carl R.  
Ziegler, Alice S.

#### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Wiggin, Allen R.

Bradley, Jeb E.  
Dickinson, Howard C.  
Wiggin, Gordon E.

Chandler, Gene G.  
Jean, Robert R.

#### CHESHIRE

Cole, Kenneth A.  
Hunt, John B.  
Pearson, Gertrude B.

Crutchley, Donald O.  
Laurent, John J.  
Riley, William A.

Hogan, James B.  
Metzger, Katherine H.

#### COOS

Brungot, Catherine V.  
Oliver, Terry D.

Buckley, C. Fitzgerald

Merrill, Gerald P.

#### GRAFTON

Adams, Carl S.  
Markley, J. Keith  
Teschner, Douglass P.

Bean, Pamela B.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.

Lougee, Richard W.  
Shackett, Ralph E.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Alukonis, David J.	Amidon, Eleanor H.	Andrews, Frederick B.
Baker, George H., Sr.	Baroody, Benjamin C.	Bourque, Ann J.
Bowers, Dorothy C.	Carpenter, Karen A.	Clemons, Jane A.
Daniels, Gary L.	Desrochers, Gerard T.	Dodge, Emma M.
Domaingue, Jacquelyn M.	Drabinowicz, A. Theresa	Drolet, Paul L.
Durham, Susan B.	Elliott, Larry G.	Emerton, Lawrence A.
Ferguson, Charles	Ferlan, Arthur P.	Ford, Nancy M.
Goulet, Maurice E.	Green, Scott E.	Haettenschwiller, Alphonse
Hultgren, David D.	Janas, Gregory	Jasper, Shawn N.
Jean, Romeo W.	Kurk, Neal M.	L'Heureux, Robert J.
Lachut, Ervin R.	Larochelle, Roger B.	Laughlin, J. Francis
Lawrence, Eva M.	Lawrence, Norman B.	Lefebvre, Roland J.
Lozeau, Donnalee M.	Martin, Mary Ellen	Mason, Howard F.
McDowell, James E.	Mercer, Robert S.	Messier, Irene M.
Murphy, Robert E.	Ouellette, Robert O.	Packard, Bonnie B.
Pepino, Leo P.	Rheault, Lillian I.	Riley, Frances L.
Rodgers, G. Philip	Rothhaus, Finlay C.	Searles, Stanley N., Sr.
Stiles, Walter A.	Upton, Barbara A.	Wheeler, David K.
White, John M.	Wright, George W.	

**MERRIMACK**

Barberia, Richard A.	Braiterman, Thea	Chandler, John P.
Christie, Thomas J.	Daneault, Gabriel J.	Gilbreth, Robert M.
Hall, Douglas E.	Hayes, Robert C.	Jacobson, Alf E.
Johnson, C. William	Letourneau, George E.	Nichols, Avis B.
Weeks, John F., Jr.	Whittemore, James A.	

**ROCKINGHAM**

Barnes, John S., Jr.	Boucher, William P.	Buco, Stephen W.
Clark, Martha Fuller	Connell, David R.	Conroy, Janet M.
Cooke, Annette M.	Dowd, Sandra K.	Dowling, Patricia A.
Dube, LeRoy S.	Flanagan, Natalie S.	Ford, Bert H.
Griebsch, Linda	Haynes, Richard	Hoelzel, Kathleen M.
Hutchinson, Karen K.	Katsakiores, George N.	Malcolm, Kenneth W.
McCain, William F.	McCarthy, John J., Jr.	McKinney, Betsy
Melnick, Roy E.	Packard, Sherman A.	Raynowska, Bernard J.
Rosencrantz, James R.	Roulston, Donald L.	Rubin, George R.
Schanda, Joseph, Sr.	Seward, Russell G.	Smith, Arthur W.
Syracusa, Anthony	Sytek, Donna P.	Sytek, John J.
Welch, David A.	Weyler, Kenneth L.	Woods, Deborah L.

**STRAFFORD**

Bickford, Drucilla	Corte, Arthur B.	Douglass, Clyde J.
Flynn, Edward J.	Foss, Patricia H.	Frechette, Roland A.
Jankowski, Peter M.	Keans, Sandra B.	Knowles, William V.
Marston, Robert E.	Martling, W. Kent	Nehring, William H.
O'Brien, John	Pageotte, Donald P.	Pelley, Janet R.
Vincent, Francis C.	Wheeler, Katherine W.	

**SULLIVAN**

Behrens, Thomas A.  
Peyron, Fredrik

Domini, Irene C.

Middleton, John A.

**NAYS 167****BELKNAP**

Bartlett, Gordon E.  
Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Shibley, Arnold P.

Cain, Thomas G.  
Hawkins, Robert S.  
Rosen, Ralph J.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Salatiello, Thomas B.  
Vogler, Charles C.

**CARROLL**

Beach, Mildred A.

Foster, Robert W.

Saunders, Howard N.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Stacey W.  
Foster, Katherine D.  
Kingsbury, H. Thayer  
Perry, David M.  
Young, David A.

Champagne, Richard L.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Lynch, Margaret A.  
Pratt, Irene A.

Clark, Eugene W.  
Feuer, Joseph N.  
Kennison, Wayne A.  
Mohr, Frederick C., Jr.  
Sawyer, Alfred P.

**COOS**

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Theriault, Romeo J.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Nelson, Harold D.

Hawkinson, Marie C.  
Marsh, Beaton  
Pratt, Leighton C.

**GRAFTON**

Arnesen, Deborah L.  
Chambers, Mary P.  
Driscoll, William J.  
McIlwaine, Deborah P.  
White, Paul R.

Brown, Channing T.  
Christy, C. Dana  
LaMott, Paul I.  
Nordgren, Sharon L.

Brown, Patricia B.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baldizar, Barbara J.  
Chasse, Richard D.  
Daigle, Robert A.  
Dyer, Merton S.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Jean, Claudette R.  
Kelley, Dana F.  
Lown, Elizabeth D.  
McRae, Karen K.  
O'Rourke, Joanne A.  
Record, Alice B.  
Sallada, Roland A.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.

Ahrens, Frederick G.  
Buckley, Raymond  
Cote, David E.  
Desrosiers, William J.  
Fields, Dennis H.  
Greenglass, Alan B.  
Healy, Daniel J.  
Johnson, Lionel W.  
Kelley, Robert N.  
McCann, Bonnie Lou  
Moore, Elizabeth A.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Smith, Leonard A.  
Tate, Joan C.  
Wheeler, Robert L.

Arnold, Barbara E.  
Calawa, Leon, Jr.  
Crotty, Edward J.  
Donovan, Francis X.  
Gagnon, Eugene L.  
Hall, Betty B.  
Holden, Carol H.  
Keane, Cornelius J.  
King, Frank P.  
McNerney, Daniel P.  
Nardi, Theodora P.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Soucy, Donna M.  
Turgeon, Roland M.

**MERRIMACK**

Apple, Lowell D.  
 Chandler, Earle W.  
 Fillion, Paul R.  
 Hill, Michael J.  
 Lewis, Mary Ann  
 Soldati, Jennifer G.  
 Trombly, Rick A.

Asplund, Bronwyn L.  
 Dunn, Miriam D.  
 Gross, Caroline L.  
 Holmes, Mary C.  
 Lockwood, Robert A.  
 Stio, Peter M.  
 Wallner, Mary Jane

Boucher, Laurent J.  
 Feuerstein, Martin  
 Hager, Elizabeth S.  
 Kidder, William F.  
 Smith, Gerald R.  
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 Yeaton, Charles B.

**ROCKINGHAM**

Bell, Juanita L.  
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 Gage, Beverly A.  
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 Terninko, Margaret B.  
 Vaughn, Charles L.

Drake, Herbert R.  
 Flanders, John W., Sr.  
 Hoar, John, Jr.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 MacKinnon, Nancy W.  
 Senter, Merilyn P.  
 Thayer, Leroy C.

**STRAFFORD**

Brown, Julie M.  
 Kincaid, William K.  
 Messier, Donald R.  
 Torr, Ann M.  
 Wall, Janet G.

Gilmore, Gary R.  
 Kinney, Paula J.  
 Parks, Joe B.  
 Torr, Ralph W.

Hambrick, Patricia A.  
 Merrill, Amanda A.  
 Sullivan, Henry P.  
 Tsiros, William

**SULLIVAN**

Allison, David C.  
 Lindblade, Eric N.

Burling, Peter Hoe  
 Rodeschin, Beverly T.

Krueger, Richard H.  
 Schotanus, Merle W.

and the floor amendment lost.

Rep. Ferlan offered a floor amendment

5980L

**Floor Amendment**

Amend RSA 106-H as inserted by section 1 of the bill by inserting after RSA 106-H:14 the following new section:

106-H:15 Information Not Subject to Right-to-Know-Law. Any information or records compiled under this chapter shall not be considered a public record for the purposes of RSA 91-A.

Reps. Ferlan and Gilmore spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**SB 443-FN**, requiring the division for children and youth services to develop, implement and administer an automated case management system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas E. Hall for Appropriations: The bill requires the Division of Children and Youth to plan and design an automated case management system and appropriates \$100,000 for that purpose. The committee amendment (1) specifies more



tightly what is to be included in the planning; (2) ensures that all plans are submitted to the state's new Office of Information Technology Management for review; (3) removes the Fiscal Committee from the bill; and (4) prohibits any planning consultants from bidding on subsequent hardware or software purchases.

Although, because of deadlines, the committee makes the above recommendation, we will ask that this bill be laid upon the table until the budget numbers are resolved in the committee of conference on HB 1025. Vote 16-0.

5819L

### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

requiring the division for children and youth services to develop, implement and administer an automated case management system and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Study; Automated Case Management Plan.

I. The division for children and youth services shall develop a plan and design for implementation and administration of an automated case management system which shall be in compliance with federal and state system development requirements, in order to address the needs of managing the division's programs for the state's children and youth.

II. To complete such plan, the division shall investigate different options for hardware platforms and configurations and their cost as part of the planning process. Such options shall include, but not be limited to:

(a) Use of the existing Honeywell computer system.

(b) A client-server configuration of current technology personal computers, local area networks, and standard commercial database software.

III. Cost estimates for each option shall be in the following categories:

(a) Hardware.

(b) Systems software.

(c) Purchase and/or design of case management database and associated data-files, input screens, and report formats.

(d) Ancillary office automation software including word processing, spreadsheets, presentation graphics, and telecommunications.

(e) Staff training.

(f) Hardware and software maintenance.

IV. The division shall ensure that those responsible for planning, whether internal staff or outside consultants have documented experience with designing and/or evaluating data systems on all practical platforms and configurations of hardware. Any consultant retained for planning, design, or evaluation shall be prohibited from bidding on or receiving any subsequent contract for systems design or purchase of hardware or software.

V. No part of this section shall exempt the division from complying with RSA 9:4-b.

2 New Paragraph; Division for Children and Youth Services Duty Added. Amend RSA 170-G:4 by inserting after paragraph XVIII the following new paragraph:

XIX. Implement and administer an automated case management system in compliance with federal and state system development requirements which addresses the needs of the state's children and youth.

3 Appropriation; Division for Children and Youth Services. For the purpose of carrying out the planning and design required by section 1 of this act, the sum of \$100,000 is appropriated for the fiscal year ending June 30, 1993, to the division for children and youth services. This sum is in addition to any other sums appropriated to the division for fiscal year 1993. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill requires the division for children and youth services to develop, implement and administer an automated case management system in compliance with federal and state systems development requirements.

An appropriation is made to the division for the purpose of planning and design of the plan.

Adopted.

#### LAID ON THE TABLE

Rep. Hager moved that **SB 443-FN**, requiring the division for children and youth services to develop, implement and administer an automated case management system, be laid on the table.

Adopted.

**SB 450-FN**, relative to capital formation.(A) OUGHT TO PASS.

Rep. Charles L. Vaughn for Appropriations: When the House, in a voice vote on April 7, agreed with the policy recommendations authorized in SB 450-FN, it took an intrepid step to sustain and strengthen the economy of New Hampshire in perilous times.

The Appropriations Committee held a hearing to examine the funding measures necessary to carry out the following programs:

1. Aid to local or regional development organizations.
2. Guarantees of loans to small businesses as well as temporary loans to business.
3. Secondary market for loans made by local development organizations.
4. Capital Access Program.
5. Capital Asset Back Guarantee Program.

The contingent credit release is as follows:

First: The Business Finance Authority (BFA) \$40 million in 1992. \$25 million of the \$40 million is direct borrowing — cash — by the B.F.A. Parts of this money will be distributed to the five programs listed above.

Second: The remaining \$15 million is split into two sections: (a) \$10 million to Capital Asset Back Guarantee Program; (b) \$3 million to small business fund guarantee and \$2 million for tax-exempt bond programs.

Third: In 1993, a four year, \$50 million revolving bond program starts. All releases of credit will be developed through a public hearing process. Further, each loan is backed by bank letters of credit. In 1993, \$15 million of state guarantees are made available; in 1994, \$15 million; in 1995, \$15 million and lastly \$10, million in 1996.

Fourth: In both the Capital Asset Back Guarantee Program, and the SBA/Local fund program, each loan is backed by a 10% cash reserve pool established at its inception.

In sum, programs for capital formation are a straightforward way to manage a limited amount of public monies into a total finance package. Most importantly, the primary financing of these programs comes from sources none of which requires general fund appropriations. Vote 20-1.

Rep. Kurk spoke against.

Rep. Vaughn spoke in favor and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the Committee report.

**YEAS 239****NAYS 85****YEAS 239****BELKNAP**

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Vogler, Charles C.

Cain, Thomas G.  
Hawkins, Robert S.  
Shibley, Arnold P.  
Ziegra, Alice S.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Turner, Robert H.

**CARROLL**

Beach, Mildred A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Bradley, Jeb E.  
Dickinson, Howard C.  
Wiggin, Allen R.

Chandler, Gene G.  
Foster, Robert W.

**CHESHIRE**

Burnham, Daniel M.  
Crutchley, Donald O.  
Foster, Katherine D.  
Lynch, Margaret A.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Champagne, Richard L.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Metzger, Katherine H.  
Perry, David M.  
Young, David A.

Clark, Eugene W.  
Feuer, Joseph N.  
Kingsbury, H. Thayer  
Mohr, Frederick C., Jr.  
Pratt, Irene A.

**COOS**

Brungot, Catherine V.  
Guay, Lawrence J.  
Kilbride, Dennis J.  
Merrill, Gerald P.  
Theriault, Romeo J.

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.

Coulombe, Henry W.  
Horton, Lynn C.  
Mayhew, Josephine  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Christy, C. Dana  
Hill, Richard L.  
Nordgren, Sharon L.  
Trelfa, Richard T.  
White, Paul R.

Arnesen, Deborah L.  
Brown, Patricia B.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Shackett, Ralph E.  
Wadsworth, Karen O.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
Amidon, Eleanor H.  
Bourque, Ann J.  
Chasse, Richard D.  
Crotty, Edward J.

Ahrens, Frederick G.  
Arnold, Barbara E.  
Bowers, Dorothy C.  
Clemons, Jane A.  
Desrosiers, William J.

Alukonis, David J.  
Baroody, Benjamin C.  
Buckley, Raymond  
Cote, David E.  
Drabinowicz, A. Theresa

Drolet, Paul L.  
 Ferguson, Charles  
 Gagnon, Eugene L.  
 Haettenschwiller, Alphonse  
 Holden, Carol H.  
 Johnson, Lionel W.  
 Kelley, Robert N.  
 Lawrence, Eva M.  
 Mason, Howard F.  
 McNerney, Daniel P.  
 Murphy, Robert E.  
 Packard, Bonnie B.  
 Record, Alice B.  
 Robinson, Ellen-Ann  
 Smith, Leonard A.  
 Tate, Joan C.  
 Wheeler, Robert L.

Durham, Susan B.  
 Fields, Dennis H.  
 Gosselin, Gerald O.  
 Hanselman, Gregory L.  
 Jean, Claudette R.  
 Keane, Cornelius J.  
 King, Frank P.  
 Lown, Elizabeth D.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Nardi, Theodora P.  
 Paquette, Rodolphe G.  
 Reidy, Frank J.  
 Rodgers, G. Philip  
 Soucy, Donna M.  
 Turgeon, Roland M.  
 White, John M.

Emerton, Lawrence A.  
 Ford, Nancy M.  
 Greenglass, Alan B.  
 Healy, Daniel J.  
 Jean, Romeo W.  
 Kelley, Dana F.  
 Laughlin, J. Francis  
 Martin, Mary Ellen  
 McDowell, James E.  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Peters, Stanley W.  
 Rheault, Lillian I.  
 Sallada, Roland A.  
 Tarpley-Bamberger, Nancy L.  
 Vanderlosk, Stanley R.

### MERRIMACK

Apple, Lowell D.  
 Braiterman, Thea  
 Daneault, Gabriel J.  
 Fillion, Paul R.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Stio, Peter M.  
 Wallner, Mary Jane

Asplund, Bronwyn L.  
 Chandler, Earle W.  
 Dunn, Miriam D.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Jacobson, Alf E.  
 Letourneau, George E.  
 Smith, Gerald R.  
 Teague, Bert  
 Weeks, John F., Jr.

Boucher, Laurent J.  
 Chandler, John P.  
 Feuerstein, Martin  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, C. William  
 Lewis, Mary Ann  
 Soldati, Jennifer G.  
 Trombly, Rick A.  
 Yeaton, Charles B.

### ROCKINGHAM

Barnes, John S., Jr.  
 Buco, Stephen W.  
 Conroy, Janet M.  
 Dowling, Patricia A.  
 Flanagan, Natalie S.  
 Gage, Beverly A.  
 Haynes, Richard  
 Johnson, Robert A.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Rosencrantz, James R.  
 Seward, Russell G.  
 Syracuse, Anthony  
 Thayer, Leroy C.  
 Woods, Deborah L.

Bell, Juanita L.  
 Clark, Martha Fuller  
 Cote, Patricia L.  
 Drake, Herbert R.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hoelzel, Kathleen M.  
 Kane, Cecelia D.  
 Klemarczyk, Thaddeus E.  
 MacDonald, Joseph A.  
 McGovern, Cynthia A.  
 Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Sytek, Donna P.  
 Vaughn, Charles L.

Benton, Richardson D.  
 Connell, David R.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Griebisch, Linda  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 Melnick, Roy E.  
 Senter, Merilyn P.  
 Smith, Arthur W.  
 Terninko, Margaret B.  
 Weyler, Kenneth L.



**STRAFFORD**

Bickford, Drucilla	Brown, Julie M.	Corte, Arthur B.
Douglass, Clyde J.	Flynn, Edward J.	Frechette, Roland A.
Hambrick, Patricia A.	Jankowski, Peter M.	Kincaid, William K.
Kinney, Paula J.	Knowles, William V.	Martling, W. Kent
Merrill, Amanda A.	Messier, Donald R.	Pelley, Janet R.
Sullivan, Henry P.	Torr, Ann M.	Tsiros, William
Wall, Janet G.	Wheeler, Katherine W.	

**SULLIVAN**

Allison, David C.	Behrens, Thomas A.	Burling, Peter Hoe
Harland, Jane A.	Krueger, Richard H.	Lindblade, Eric N.
Middleton, John A.	Peyron, Fredrik	Rodeschin, Beverly T.
Schotanus, Merle W.		

**NAYS 85  
BELKNAP**

Accornero, Harry	Golden, Paul A.	Joscelyn, William W.
Rice, Thomas E. P., Jr.	Rosen, Ralph J.	Zaharchuk, Peter J., Jr.

**CARROLL**

Allard, Nanci A.	Jean, Robert R.	Wiggin, Gordon E.
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**CHESHIRE**

Cole, Kenneth A.	Cole, Stacey W.	Hogan, James B.
Hunt, John B.	Kennison, Wayne A.	Laurent, John J.
Riley, William A.		

**COOS**

Pratt, Leighton C.

**GRAFTON**

Lougee, Richard W.	Markley, J. Keith	McIlwaine, Deborah P.
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**HILLSBOROUGH**

Andrews, Frederick B.	Baldizar, Barbara J.	Calawa, Leon, Jr.
Carpenter, Karen A.	Daigle, Robert A.	Daniels, Gary L.
Desrochers, Gerard T.	Dodge, Emma M.	Domaingue, Jacquelyn M.
Donovan, Francis X.	Dyer, Merton S.	Elliott, Larry G.
Ferlan, Arthur P.	Goulet, Maurice E.	Green, Scott E.
Hall, Betty B.	Hultgren, David D.	Janas, Gregory
Jasper, Shawn N.	Kurk, Neal M.	L'Heureux, Robert J.
Lachut, Ervin R.	Larochelle, Roger B.	Lawrence, Norman B.
Lozeau, Donnalee M.	McRae, Karen K.	Ouellette, Robert O.
Pepino, Leo P.	Riley, Frances L.	Rothhaus, Finlay C.
Searles, Stanley N., Sr.	Stiles, Walter A.	Upton, Barbara A.
Wheeler, David K.	Wright, George W.	

**MERRIMACK**

Barberia, Richard A.	Christie, Thomas J.	Nichols, Avis B.
Whittemore, James A.		

**ROCKINGHAM**

Boucher, William P.  
 Ford, Bert H.  
 MacKinnon, Nancy W.  
 McKinney, Betsy  
 Roulston, Donald L.  
 Tufts, Arthur

Cooke, Annette M.  
 Hoar, John, Jr.  
 Malcolm, Kenneth W.  
 Packard, Sherman A.  
 Rubin, George R.  
 Welch, David A.

Dube, LeRoy S.  
 Hutchinson, Karen K.  
 McCarthy, John J., Jr.  
 Raynowska, Bernard J.  
 Sytek, John J.

**STRAFFORD**

Foss, Patricia H.  
 Nehring, William H.  
 Torr, Ralph W.

Keans, Sandra B.  
 O'Brien, John  
 Vincent, Francis C.

Marston, Robert E.  
 Parks, Joe B.

**SULLIVAN**

Domini, Irene C.

and the Committee report was adopted.  
 Ordered to third reading.

**SB 473-FN-A**, relative to a fund for organ transplantation and transferring responsibility from vocational rehabilitation to the division of human services. (A) **INEXPEDIENT TO LEGISLATE**.

Rep. Douglas E. Hall for Appropriations: This bill would create a new organ transplant program in the division of human services. While such a program might most appropriately be assigned to that agency, the suggested appropriation of \$100,000 would be woefully inadequate. No data was submitted on how much such a program might actually cost if fully funded. The committee cannot agree to establishing a major new health care program funded entirely with general funds at this time. Vote 19-0.

Adopted.

**SB 339**, relative to regulatory reform. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Robert S. Mercer for Commerce, Small Business and Consumer Affairs: The Judiciary Committee heard Sec. 2 which would have created a division of the Superior Court to hear cases involving corporate and commercial matters. It was the opinion of the Judiciary Committee that the courts are in no condition financially to have specialist as judges on special issues nor is there enough cases involving corporate and commercial matters that would warrant any such need and the Judges currently on the bench would be capable of handling any cases in this area therefore the vote was unanimous of 15-0 for Inexpedient to Legislate on Section 2. The Commerce Committee concurred with the Judiciary Committee recommendation.

The Executive Departments and Administration Committee heard section 31-32-33 which refers to regulatory reform changes under the Administrative Procedures Act. The Executive Departments and Administration Committee voted 10-4 Ought to Pass. Similar provisions were included in HB 477 passed by the House earlier. The Senate added a "Public Notice" procedure and a section on quorums required for the first public hearing on Rules. The Committee was of the opinion that these changes made by the Senate enhanced these sections.

The Commerce Committee concurred with these recommendations. These sections are 28-30 in the amendment. Sections 3 and 4 dealt with exemptions from state securities registration requirements for securities issued by investment companies which are subject to regulation by the U.S. Securities and Exchange Commission and which

have established a performance record in the mutual fund industry. The Committee voted Inexpedient to Legislate on both of these sections.

Section 5-26 would allow Mutual Insurance companies organized under the laws of New Hampshire to convert into stock insurance companies, make changes in the Insurance Laws required by the National Association of Insurance Commissioners and establish a new chapter which regulates business transacted with producer controlled property/casualty insurance. The Committee voted Ought to Pass with one clarifying amendment. These sections are 2-23 in the amendment.

Sec. 27 (now 24) requires the Attorney General to adopt rules allowing "ULOR" (Uniform Limited Offering Registration) securities offerings in the state and Sec. 28-30 which establishes a committee to study the impact of New Hampshire's Product Liability Laws on Manufacturers in New Hampshire. The Commerce Committee voted Ought to Pass on Sections 27-28-29-30 (now 24-27).

New Sections 31-57 in the amendment transfer certain responsibilities relative to Securities regulation and a related appropriation from the Department of Justice to the Secretary of State. The changes in responsibilities for securities regulation made in the last session was not working smoothly. This amendment should correct the delineation of duties and responsibilities and make the function more efficient and responsive. Clarifying language was added dealing with fees, fines and audits. Both the Attorney General and the Secretary of State are in agreement with the amendment. Vote 14-0.

5822L

### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

relative to regulatory reform and transferring certain responsibilities  
relative to securities regulation from the department of  
justice to the secretary of state.

Amend RSA 403-B:4, III as inserted by section 19 of the bill by replacing it with the following:

III. The stock offering shall provide that eligible policyholders have the first right to purchase the stock at its stated value. Shares remaining unsold or not subscribed for may be offered to the general public, including the insurer's directors, officers, agents or employees, provided, however, that the price of shares offered to the general public shall be greater than or equal to the price of shares offered to eligible policyholders.

Amend the bill by deleting sections 2-4 and renumbering the original sections 5-34 to read as 2-31, respectively.

Amend the bill by replacing section 31 with the following:

31 Change From "Attorney General" to "Secretary of State." Amend the following RSA provisions by replacing "attorney general" with "secretary of state": RSA 421-A:3; 421-A:4, X; 421-A:5; 421-A:6; 421-A:8; 421-A:9; 421-A:11, I; 421-A:12; 421-B:2, II(d), III(e), IX(i), X, XI; 421-B:4, II, III; 421-B:7, II-VI; 421-B:8, I, III, IV; 421-B:9, III, V-VIII; 421-B:10, II, III, III-a, V, VI; 421-B:12, II-IV; 421-B:13, II, IV; 421-B:14, II, IV; 421-B:15, II-a, IV-VII, X; 421-B:16, I(b)-IV; 421-B:17; 421-B:18; 421-B:20; 421-B:25, VIII; 421-B:26, I-II; 421-B:28; 421-B:29, III; 421-B:30, VII(a), IX.

32 Change from Attorney General to Secretary of State. RSA 421-A:2, I-a is repealed and reenacted to read as follows:

I-a. "Secretary of state" means the secretary of state or designee.

33 Change from Department of Justice to Department of State. Amend RSA 421-A:2, IV(a) to read as follows:

IV-a. "Department" means the department of [justice] **state**.

34 Definition of Agent. Amend the introductory paragraph of RSA 421-B:2, II to read as follows:

II. "Agent" means any individual, other than a broker-dealer or [an investment advisor] **issuer-dealer**, who represents a broker-dealer[, investment advisor] or [issuer] **issuer-dealer** in effecting or attempting to effect purchases or sales of securities **or an individual other than an investment adviser who represents an investment adviser by providing investment advice**. "Agent" does not include an individual who represents an issuer in:

35 Definition of Department. Amend RSA 421-B:2, V to read as follows:

V. "Department" means the department of [justice] **state**.

36 Definition of Order. Amend RSA 421-B:2, XV to read as follows:

XV. "Order" means an order issued pursuant to [the provisions of RSA 400-A:14] **this chapter**.

37 New Paragraph; Definition of Secretary of State. Amend RSA 421-B:2 by inserting after paragraph XIX the following new paragraph:

XIX-a. "Secretary of state" means the secretary of state or designee.

38 Licensing Requirements. Amend RSA 421-B:6 to read as follows:

421-B:6 Licensing Requirements.

I. It is unlawful for any person to transact business in this state as a broker-dealer, issuer-dealer, **investment adviser**, or agent unless he is licensed under this chapter.

II. It is unlawful for any broker-dealer [or issuer], **issuer-dealer, and investment adviser** to employ an agent unless the agent is licensed. The licensing of an agent is not effective during any period when he is not associated with a particular broker-dealer under this chapter or a particular issuer. No agent shall at any time represent more than one broker-dealer [or issuer], **issuer-dealer and investment adviser**, except that where broker-dealers affiliated by direct common control are licensed under this chapter, an agent may represent any such broker-dealer. When an agent begins or terminates those activities which make him an agent, the broker-dealer [or issuer], **issuer-dealer and investment adviser** shall promptly notify the [attorney general] **secretary of state**.

[III. It is unlawful for any person to transact business in this state as an investment adviser unless:

(a) He is so licensed under this chapter;

(b) He is licensed as a broker-dealer without the imposition of a condition under RSA 421-B:10, II(e); or

(c) His only clients in this state are persons enumerated in RSA 421-B:17, II(g).]

[IV.] **III.** All licenses for agents, broker-dealers, **investment advisers**, and issuer-dealers shall expire every year on December 31.

[V.] **IV.** All licensed agents, broker-dealers, **investment adviser**, and issuer-dealers and any persons applying for such licenses shall be liable for the fees established pursuant to RSA 421-B:31.

39 Licensing Procedure. Amend RSA 421-B:7, I to read as follows:

I. A broker-dealer, **issuer-dealer**, agent, or investment adviser may obtain an initial or renewal license by filing with the secretary of state an application together



with a consent to service of process pursuant to RSA 421-B:30, VII. The application shall be on a form prescribed by the [attorney general] **secretary of state** and shall contain whatever information the [attorney general] **secretary of state** requires concerning such matters as, but not limited to, the applicant's form and place of organization; the applicant's proposed method of doing business; the qualifications and business history of the applicant; in the case of a broker-dealer, **issuer-dealer**, or investment adviser, the qualifications and business history of any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer, **issuer-dealer**, or investment adviser; and, in the case of an investment adviser, the qualifications and business history of any employee; any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and the applicant's financial condition and history. The secretary of state may by rule or order require an applicant for initial license to publish an announcement of the application in one or more specified newspapers published in this state. If no denial order is in effect and no proceeding is pending under RSA 421-B:10, licensing becomes effective at noon of the thirtieth day after an application is filed. The secretary of state may by rule or order specify an earlier effective date, and he may by order defer the effective date until noon of the thirtieth day after filing of any amendment.

40 Post-Licensing Provisions; Records, Reports, and Replies. Amend RSA 421-B:8, V-IX to read as follows:

V. Any officer, manager or agent of any broker-dealer, **investment adviser**, or issuer-dealer authorized to do or doing securities business in this state, and any person controlling or having a contract under which he has a right to control such a broker-dealer, **investment adviser**, or issuer-dealer, whether exclusively or otherwise, and any person with executive authority over or in charge of any segment of such a broker-dealer's, **investment adviser's**, or issuer-dealer's affairs, shall reply promptly in writing or in other designated form, to any written inquiry from the [attorney general or] secretary of state requesting a reply.

VI. The [attorney general] or secretary of state may require that any communication made to him under this section be verified.

VII. In the absence of actual malice, no communication required by the [attorney general or] secretary of state under this section shall subject the person making it to an action for damages for defamation.

VIII. The information obtained pursuant to paragraph III shall be privileged.

IX. Any director, officer, agent or employee of any broker-dealer, **investment adviser**, or issuer-dealer who subscribes to, makes, or concurs in making or publishing, any annual or other statement required by law, having actual knowledge that the same contains any material statement which is false, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

41 Post-Licensing Provisions; Examinations. Amend RSA 421-B:9, I-II to read as follows:

421-B:9 Post-Licensing Provisions; Examinations.

I. For the purpose of determining the financial condition, fulfillment of its contractual obligations, and compliance with the law, whenever the [attorney general] **secretary of state** shall deem it expedient, he shall examine, either in person or by some examiner duly authorized by him the affairs, transactions, accounts, records, documents, and assets of each licensed broker-dealer, **investment adviser**, or issuer-

dealer as to any matter relevant to the financial affairs or obligations of the broker-dealer, **investment adviser**, or issuer-dealer or any other fact relative to its business methods, management and its dealings with clients, as often and to the extent he deems advisable. Except as otherwise provided, he shall examine each domestic broker-dealer or issuer-dealer and domestic branches of foreign broker-dealers or issuer-dealers at least once every 2 years. Examination of an alien broker-dealer, **investment adviser**, or issuer-dealer shall be limited to its broker-dealer, **investment adviser**, or issuer-dealer transactions, assets, trust deposits, and affairs in the United States except as otherwise required by the [attorney general] **secretary of state**.

(a) The [attorney general] **secretary of state** shall in like manner examine each broker-dealer, **investment adviser**, or issuer-dealer applying for an initial license to transact securities business in this state.

(b) In lieu of making his own examination, the [attorney general] **secretary of state** may, in his discretion, accept a full report of the most recent examination of a foreign or alien broker-dealer, **investment adviser**, or issuer-dealer certified to by the securities supervisory official of another state or by the Securities Exchange Commission, or the National Association of Securities Dealers.

(c) As far as practical, the examination of a foreign or alien broker-dealer, **investment adviser**, or issuer-dealer shall be made in cooperation with the Securities Exchange Commission, the National Association of Securities Dealers and the securities supervisory officials of other states in which the broker-dealer, **investment adviser**, or issuer-dealer transacts business.

II. For the purpose of ascertaining compliance with law or relationships and transactions between any person and any broker-dealer, **investment adviser**, or issuer-dealer or proposed broker-dealer, **investment adviser**, or issuer-dealer and in circumstances where the [attorney general] **secretary of state** has reasonable grounds to believe there is noncompliance with or violation of any law, rule, or order, he may, as often and to the extent he deems advisable, examine the accounts, records, documents, and transactions pertaining to or affecting the securities affairs or proposed securities affairs and transactions of:

(a) Any person having a contract under which he enjoys by terms or in fact the exclusive or dominant right to manage or control the broker-dealer, **investment adviser**, or issuer-dealer;

(b) Any person in this state engaged in, proposing to be engaged in, holding himself out as so engaging, or proposing or assisting in the promotion, formation, or financing of a broker-dealer, **investment adviser**, or issuer-dealer, or corporation or other group to finance a broker-dealer, **investment adviser**, or issuer-dealer or the production of its business;

(c) Any rating bureau or organization;

(d) Any licensee or other person subject to this chapter; or

(e) If adequate information cannot be obtained, any broker-dealer [or], issuer-dealer, **investment adviser**, holding company or person holding the shares of voting stock or proxies of a broker-dealer, **investment adviser**, or issuer-dealer as voting trustee or otherwise, for the purpose of controlling the management thereof.

42 Denial, Revocation or Suspension. Amend RSA 421-B:10, I to read as follows:

I. The [attorney general, on his own motion, or upon the] recommendation of the secretary of state[, ] may by order deny, suspend, or revoke any license or application if he finds:

(a) That the order is in the public interest, and

(b) That the applicant or licensee or, in the case of a broker-dealer, **issuer-dealer**, or investment adviser, any partner, officer or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer, **issuer-dealer**, or investment adviser:

(1) Has filed an application for licensing which as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(2) Has willfully violated or failed to comply with any provision of this title or a predecessor law or the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or any rule under any of such statutes, or any order thereunder of which he has notice and to which he is subject;

(3) Has been convicted, within the past 10 years, of any misdemeanor involving a security or any aspect of the securities business, or any felony, unless annulled;

(4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(5) Is the subject of an order of the [attorney general] **secretary of state** denying, suspending, or revoking any license as a broker-dealer, **issuer-dealer**, agent, or investment adviser;

(6) Is the subject of an order entered within the past 5 years by the securities administrator of any other state or by the Securities and Exchange Commission denying or revoking licenses or registration as a broker-dealer, **issuer-dealer**, agent, or investment adviser, or the substantial equivalent of those terms, or is the subject of an order of the Securities and Exchange Commission suspending or expelling him from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934 or is the subject of a United States Postal Service fraud order;

(7) Has engaged in dishonest or unethical practices in the securities business;

(8) Has failed to maintain the minimum net capital or to comply with the limitation on aggregate indebtedness which the [attorney general] **secretary of state** by rule prescribes;

(9) Is not qualified on the basis of such factors as training, experience, and knowledge of the securities business, except as otherwise provided in this section; or

(10) Has failed reasonably to supervise his agents if he is a broker-dealer, **issuer-dealer**, or his employees if he is an investment adviser; or

(11) Has failed to pay the proper filing fee; but the [attorney general] **secretary of state** may enter only a denial order under this clause, and he shall vacate any such order when the deficiency has been corrected; or

(12) Has offered or sold securities in this state through any unlicensed agent;  
or

(13) Has made any material misrepresentation to the [attorney general] **secretary of state**, or upon request reasonably made by the [attorney general] **secretary of state**, has withheld or concealed information from, or refused to furnish information to, the [attorney general] **secretary of state**; or

(14) For other good cause shown.



43 Denial, Suspension, or Revocation of License. Amend RSA 421-B:10, IV to read as follows:

IV. If the [attorney general] **secretary of state** finds that any licensee or applicant for license is no longer in existence or has ceased to do business as a broker-dealer, **issuer-dealer**, agent, or investment adviser, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the [attorney general] **secretary of state** may by order revoke the license or deny the application.

44 Provisions Applicable to Registration Generally. Amend RSA 421-B:15, IX to read as follows:

IX. So long as a registration statement is effective, the [attorney general] **secretary of state** may by rule or order require the person who filed the registration statement to file with [the secretary of state] **him** reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement, to disclose the process of the offering and the use of any proceeds received from the offering, and to submit reports of sales. The [attorney general] **secretary of state** may by rule or order require that the issuer distribute annual reports to its shareholders.

45 Provisions Applicable to Registration Generally. Amend RSA 421-B:15, XI to read as follows:

XI. So long as a registration statement is effective the [attorney general] **secretary of state** may require an issuer to file with [the secretary of state] **him** an annual report in such form as the [attorney general] **secretary of state** by rule prescribes. Failure to file the annual report within 30 days after its request may be deemed a request for withdrawal.

46 Denial, Suspension, and Revocation of Registration. Amend the introductory paragraph of RSA 421-B:16, I to read as follows:

I. The [attorney general, on his own motion, or on the] recommendation of the secretary of state, may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds:

47 Unlawful Representations. Amend RSA 421-B:20, I to read as follows:

I. Neither the fact that a registration statement or an application for a license has been filed under this chapter with the state of New Hampshire nor the fact that a security is effectively registered or a person is licensed in the state of New Hampshire constitutes a finding by the [attorney general or the] secretary of state that any document filed under RSA 421-B is true, complete and not misleading. Neither any such fact nor the fact that an exemption or exception is available for a security or a transaction means that the [attorney general] **secretary of state** has passed in any way upon the merits or qualifications of, or recommended or given approval to, any person, security, or transaction. It is unlawful to make, or cause to be made, to any prospective purchaser, customer, or client any representation inconsistent with the provisions of this paragraph.

48 Administration. Amend RSA 421-B:21 to read as follows:

421-B:21 Administration.

I. This chapter shall be administered by the [attorney general, with the assistance of the] secretary of state [who shall receive and maintain all documents which are required to be filed under this chapter]. The secretary of state shall, to the greatest extent practical, physically and substantively consolidate the activities and functions related to corporations, limited partnerships, and other business organizations and



entities administered by the department of state with the activities and functions related to the registration of securities [which are performed by the attorney general and secretary of state under this chapter].

II. The [attorney general] **secretary of state** shall have all powers specifically granted or reasonably implied in order to perform the substantive responsibilities imposed by this title[, and may, by rule, after consultation with and approval from the secretary of state, impose duties upon the secretary of state with regard to the receipt, maintenance and review of documents required to be filed under this chapter and the coordination of activities between the department of justice and the office of secretary of state].

**II-a.** The secretary of state shall collect all fees and charges required under this chapter and shall pay them to the state treasurer to be deposited in the general fund as unrestricted revenue, except as provided in paragraphs II-b and II-c.

**II-b.** The state treasurer shall pay the expenses of conducting examinations pursuant to RSA 421-B:9 out of any money in the treasury not otherwise appropriated until the funds collected pursuant to RSA 421-B:9, VII and VIII have been received by him. Thereafter, he shall pay the expenses of conducting such examinations out of the funds collected under RSA 421-B:9, VII and VIII and shall reimburse the treasury for previous expenses paid by him. The governor is authorized to draw his warrant for the sums authorized by this paragraph out of any money in the treasury not otherwise appropriated.

**II-c.** The state treasurer shall pay the expenses of investor education conducted pursuant to RSA 421-B:26, IV out of any money in the treasury not otherwise appropriated until the funds collected pursuant to RSA 421-B:26, I, II, and III have been received by him. Thereafter, he shall pay the expenses of conducting investor education out of funds collected under RSA 421-B:26, I, II, and III and shall reimburse the treasury for previous expenses paid by him. The governor is authorized to draw his warrant for the sums authorized by this paragraph out of any money in the treasury not otherwise appropriated.

III. It is unlawful for the [attorney general, the] secretary of state or any officers or employees of the [department of justice or the] secretary of state to use for personal benefit any information which is filed with or obtained by the [attorney general or the] secretary of state and which is not made public. No provision of this chapter authorizes the [attorney general, the] secretary of state or any officers or employees of the [department of justice or the] secretary of state to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under this chapter. No provision of this chapter either creates or derogates from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the [attorney general, the] secretary of state or any officers or employees of the [department of justice or the] secretary of state.

49 Investigations and Subpoenas. Amend RSA 421-B:22 to read as follows:

421-B:22 Investigations and Subpoenas.

I. The [attorney general] **secretary of state** may:

(a) Make such public or private investigations within or without this state as he deems necessary to determine whether any person has violated or is about to violate this title or any rule or order under this title, or to aid in the enforcement of this title or in the adopting of rules and forms under this title;

(b) Require or permit any person to file a statement in writing, under oath or otherwise as the [attorney general] **secretary of state** determines, as to all the facts and circumstances concerning the matter being investigated;

(c) Publish information which is contained in any order issued by the [attorney general] **secretary of state**;

(d) Hold hearings, upon reasonable notice, in respect to any matter arising out of the administration of this chapter;

(e) Conduct investigations and hold hearings for the purpose of compiling information with a view to recommending changes in this title to the legislature; and

(f) Require an issuer, broker-dealer, or agent to report to him all transactions as they pertain to any security. Such reports shall be made within 10 days after demand therefor by the [attorney general] **secretary of state** and shall be open for public inspection only upon a court order. The [attorney general] **secretary of state** shall not make known, in any manner not provided by law, any information contained in such reports.

II. For the purpose of any investigation, hearing or proceeding under this title, the [attorney general] **secretary of state** or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the [attorney general] **secretary of state** deems relevant or material to the inquiry. [Any delegation by the attorney general of power of subpoena shall be in writing.]

III. In the event that a person refuses to obey a subpoena issued to him or any order or determination the [attorney general] **secretary of state** is authorized to make, the superior court, upon application by the attorney general, may issue to the person an order directing him to appear before the attorney general, or the officer designated by him, thereto to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

50 Cease and Desist Orders, Injunctions, Receivers Amend RSA 421-B:23 to read as follows:

421-B:23 Cease and Desist Orders; Injunctions; Receivers. Whenever it appears to the [attorney general] **secretary of state** that any person has engaged or is about to engage in any act or practice constituting a violation of this chapter or any rule or order under this chapter:

I. [He] **The secretary of state** shall have the power to issue and cause to be served upon such person an order requiring the person to cease and desist from violations of this chapter. The order shall be calculated to give reasonable notice of the rights of the person to request a hearing on the order and shall state the reasons for the entry of the order. A hearing shall be held not later than 10 days after the request for such hearing is received by the [attorney general] **secretary of state** after which and within 20 days of the date of the hearing the [attorney general] **secretary of state** shall issue a further order vacating the cease and desist order or making it permanent as the facts require. All hearings shall be conducted in accordance with the rules adopted pursuant to this chapter. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him upon consideration of the cease and desist order, the allegations of which may be deemed to be true. If the person to whom a cease and desist order is issued fails to request a hearing

within 30 calendar days of receipt of such order, then such person shall likewise be deemed in default, and the order shall, on the thirty-first day, become permanent, and shall remain in full force and effect until and unless later modified or vacated by the [attorney general] **secretary of state**, for good cause shown. The [attorney general] **secretary of state** may adopt rules of procedure concerning all proceedings conducted pursuant to this section;

II. [He] **The attorney general** may, with or without prior administrative action by the **secretary of state**, bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or any rule or order under this chapter. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver may be appointed for the defendant or the defendant's assets. The court may not require the attorney general to post a bond; and

III. The attorney general may bring an action in the name of the state for injunctive relief and civil penalties for violations of any provision of this chapter. In any action brought by the attorney general, the civil penalties shall not exceed \$5,000 for each violation in the case of knowing violations, or \$2,500 for each violation in the case of negligent violations, and each of the acts specified shall constitute a separate violation. The action may be brought in the superior court of the county in which the defendant resides or has his principal place of business, or, with the consent of the parties or if the defendant is a nonresident and has no place of business within the state, in the superior court of Merrimack county.

51 Section Heading. Amend the section heading of RSA 421-B:26 to read as follows:

421-B:26 Administrative Penalty; **Investor Education**.

52 New Paragraph; Investor Education Fund. Amend RSA 421-B:26 by inserting after paragraph III the following new paragraph:

IV. All moneys collected as an administrative penalty under this chapter shall be credited to an investor education fund to be maintained by the state treasurer. The secretary of state shall use moneys credited to that fund to provide information to residents of this state about investments in securities to help investors and potential investors evaluate their investment decisions, protect themselves from unfair, inequitable or fraudulent offerings, choose their broker-dealers, agents or investment advisers more carefully, be alert for false or misleading advertising or other harmful practices, and know their rights as investors.

53 Judicial Review of Orders. Amend RSA 421-B:27 to read as follows:

421-B:27 Judicial Review of Orders. Requests for rehearings and appeals from orders of the [director] **secretary of state** shall be governed by RSA 541 and by the rules adopted by the [attorney general] **secretary of state** pursuant to title XXXVIII and RSA 541-A.

54 Fees. Amend RSA 421-B:31 to read as follows:

421-B:31 Fees.

I. Initial fees and fees for amendments shall be as follows:

- |  |        |
|--|--------|
| (a) <b>Non-refundable</b> examination fee to register    | \$ 200 |
| a security issue   |        |
| (b) Broker-dealer's and investment adviser's fees        |        |
| (1) Broker-dealer's and investment adviser's license     | \$ 200 |
| (2) <b>Non-refundable</b> broker-dealer's and investment |        |
| adviser's application fee [(non-refundable)]             | \$ 50  |

(3) Amended dealer's license	\$ 100
(c) Agent's fees	
(1) Agent's license	\$ 100
(2) <b>Non-refundable</b> agent's license application fee [(non-refundable)]	\$ 30
(3) Amended agent's license	\$ 25
(d) Issuer-dealer's fees	\$ 50
(1) Issuer-dealer agent's license	\$ 50
(2) <b>Non-refundable</b> Issuer-dealer agent's application [(non-refundable)]	\$ 25
(3) <b>Issuer-dealer license</b>	\$ 50
(e) <b>Non-refundable</b> examination fee for open end mutual funds	\$1,000
(f) [Filing] <b>Non-refundable examination</b> fee for RSA 421-B:17, II(h) exemption	\$ 300
(g) Registration fee for securities offered in this state 2/10 of one percent of the offering value of the issue, provided said fee shall not be more than	\$1,050.
(h) <b>Non-refundable examination fee for RSA 421-B:17, II(r) exemption</b>	\$ 500

II. Renewal fees shall be as follows:

(a) Broker-dealer's and investment adviser's license fee	\$ 200
(b) Agent's license fee	\$ 100
(c) Issuer-dealer license fee	\$ 50
(d) Issuer-dealer agent's license fee	\$ 50

III. The annual fee for an issuer of open-end mutual funds, to be paid to the [attorney general] **secretary of state** on or before May 1 of each year, shall be \$1,000 for each individual series of an issue.

55 Change from "Director" to "Secretary of State". Amend the following RSA sections by replacing "director of the office of securities regulation" and "director" with "secretary of state or his designee": RSA 598-A:1; 598-A:2; 598-A:3; 598-A:4.

56 Transition; Rules. The rules of the attorney general relative to securities which are in effect on July 1, 1992, shall remain in effect until July 1, 1997, unless amended prior to July 1, 1997, by the secretary of state pursuant to RSA 541-A.

57 Transfer of Funds; Department of Justice to Department of State. The sum of \$241,101 is hereby transferred from PAU 02, 04, 02, 02, class 91, department of justice, division of public protection, consumer protection bureau, to PAU 01, 05, 09, department of state, securities regulation, for fiscal year 1993. The sum of \$60,060 shall be retained in PAU 02, 04, 02, 02, class 91 for fiscal year 1993.

58 Effective Date.

I. Sections 2-15 and 17-24 of this act shall take effect January 1, 1993.

II. Section 16 of this act shall take effect upon its passage.

III. Sections 31-57 of this act shall take effect July 1, 1992.

IV. The remainder of this act shall take effect 60 days after its passage.



## AMENDED ANALYSIS

I. Section 1 of this bill is a general purpose statement.

II. Sections 2-23 allow mutual insurance companies organized under the laws of New Hampshire to convert into stock insurance companies, make changes in the insurance laws required by the National Association of Insurance Commissioners and establish a new chapter which regulates business transacted with producer controlled property/casualty insurance.

III. Section 24 requires the attorney general to adopt rules allowing "ULOR" securities offerings in this state. These securities offerings are exempt from federal registration and regulation under Rule 504 of Regulation D of the Securities and Exchange Commission, and include offerings of up to \$1,000,000 per year. Small companies desiring to make such offerings would be required to file a Form ULOR-C form, which is designed to be used by companies whose lawyers and accountants are not necessarily specialists in securities laws.

IV. Sections 25-27 establish a committee to study the impact of New Hampshire's product liability laws on manufacturers in New Hampshire.

V. Sections 28-30 require at least 20 days' notice of proposed rules changes, under the administrative procedure act, to be given before the first required agency public hearing. Such notice shall be given to all persons who hold or have applied for occupational licenses from the agency in addition to those entitled to notice under current law.

VI. Sections 31-57 transfer certain responsibilities relative to securities regulation and a related appropriation from the department of justice to the secretary of state.

Adopted.

Report adopted.

Ordered to third reading.

**SB 351**, prohibiting the sale of certain products containing phosphorus. REFER FOR INTERIM STUDY.

Rep. Bonnie L. McCann for Environment and Agriculture: The Committee received much technical testimony on the issue of the contribution of phosphates to algae formation in New Hampshire waters. The Majority of the Committee would like to take the time to consolidate the information it has received and determine the most appropriate course of action. Vote 10-7.

Referred for Interim Study.

**SB 409-FN**, relative to misrepresentations of weight by commercial packagers. INEXPEDIENT TO LEGISLATE.

Rep. Marilyn R. Campbell for Environment and Agriculture: Much discussion on this bill resulted in this vote. Under RSA 358-A of the Consumer Protection Act, a commercial packer can be held liable for misrepresentation of weights. All agreed that a more positive attitude should be created between the grocers and the state inspectors and a letter sent to both groups urging cooperation.

Vote 10-1.

Adopted.

**SB 308**, revising the business corporation act. OUGHT TO PASS WITH AMENDMENT.

Rep. Peter Hoe Burling for Judiciary: This bill is an appropriate re-write of New Hampshire's Corporation Act. It is based in great part upon the Model Uniform Corporations Act, and it provides persons interested in forming or operating corpora-

tions with a clear and manageable set of rules. The fundamental principles which tie the act into a whole are (1) a corporation is a democracy in which the majority rules, and (2) shareholders delegate the operation of the corporation to the directors and officers, unless they provide otherwise in shareholder agreements. Vote 14-0.

5889L & 5890L

### Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Business Corporation Act. RSA 293-A is repealed and reenacted to read as follows:

## CHAPTER 293-A NEW HAMPSHIRE BUSINESS CORPORATION ACT General Provisions

### A. Short Title and Reservation of Power

293-A:1.01 Short Title. This chapter shall be known and may be cited as the "New Hampshire Business Corporation Act."

293-A:1.02 Reservation of Power to Amend or Repeal. The general court has power to amend or repeal all or part of this chapter at any time and all domestic and foreign corporations subject to this chapter are governed by the amendment or repeal.

### B. Filing Documents

293-A:1.20 Filing Requirements.

(a) A document shall satisfy the requirements of this section, and of any other section that adds to or varies these requirements, to be entitled to filing by the secretary of state.

(b) All required documents shall be filed in the office of the secretary of state.

(c) The document shall contain the information required by this chapter. It may contain other information as well.

(d) The document shall be typewritten or printed.

(e) The document shall be in the English language. A corporate name need not be in English if written in English letters or Arabic or Roman numerals, and the certificate of existence required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.

(f) The document shall be executed:

(1) by the chairman of the board of directors of a domestic or foreign corporation, by its president, or by another of its officers; or

(2) if directors have not been selected or the corporation has not been formed, by an incorporator; or

(3) if the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

(g) The person executing the document shall sign it and state beneath or opposite his signature his name and the capacity in which he signs. The document may but need not contain:

(1) The corporate seal.

(2) An attestation by the secretary or an assistant secretary.

(3) An acknowledgment, verification, or proof.

(h) If the secretary of state has prescribed a mandatory form for the document under RSA 293-A:1.21, the document shall be in or on the prescribed form.

(i) The document shall be delivered to the office of the secretary of state for filing and shall be accompanied by one exact or conformed copy, except as provided in RSA

293-A:5.03 and 293-A:15.09, the correct filing fee, and any franchise tax, license fee, or penalty required by this chapter or other law. Annual reports delivered for filing pursuant to RSA 293-A:16.22 need not be accompanied by an exact or conformed copy.

293-A:1.21 Forms.

(a) The secretary of state may prescribe and furnish on request forms for:

(1) An application for a certificate of existence.

(2) A foreign corporation's application for a certificate of authority to transact business in this state.

(3) A foreign corporation's application for a certificate of withdrawal.

(4) The annual report.

If the secretary of state so requires, use of these forms is mandatory.

(b) The secretary of state may prescribe and furnish on request forms for other documents required or permitted to be filed by this chapter but their use is not mandatory.

293-A:1.22 Filing, Service, Copying, and Special Fees.

(a) The secretary of state shall collect the following fees for:

(1) Articles of incorporation	\$35
(2) Amendment of articles of incorporation	\$35
(3) Restatement of articles of incorporation with amendment of articles	\$35
(4) Articles of merger or share exchange	\$35
(5) Articles of dissolution	\$35
(6) Articles of revocation of dissolution	\$35
(7) Application for reinstatement following administrative dissolution	\$135
(8) Application for certificate of authority	\$35
(9) Application for amended certificate of authority	\$35
(10) Application for certificate of withdrawal	\$35
(11) Articles of correction	\$35
(12) Late filing	\$50

(b) The secretary of state shall collect the following fees for:

(1) Application for use of indistinguishable name	\$15
(2) Application for reserved name	\$15
(3) Notice of transfer of reserved name	\$15
(4) Application for registered name	\$25
(5) Application for renewal of registered name	\$25
(6) Statement of change of registered agent or registered office, or both	\$15
(7) Agent's statement of resignation	No fee
(8) Certificate of judicial dissolution	No fee
(9) Certificate of revocation of authority to transact business	No fee
(10) Annual report	\$100
(11) Application for certificate of existence or authorization	\$ 5
(12) Application for certificate of existence or authorization in long form	\$10

- (13) Any other document required or permitted to be filed by this chapter

\$15

(c) The secretary of state shall collect a fee of \$25 each time process is served on him under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if he prevails in the proceeding.

(d) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

- (1) \$1 a page for copying; and
- (2) \$5 for the certificate.

(e) The secretary of state may collect fees for certain services, including but not limited to:

- (1) Expedited service or filing requests.
- (2) Direct access to corporations data.
- (3) Computer tapes.
- (4) Microfiche.
- (5) Customized lists and reports.
- (6) Corporate information via telephone-based systems or facsimile machine.
- (7) Other information services.

(f) The secretary of state may establish and collect such fees for the special services listed in subsection (e) as determined from time to time by the secretary of state.

#### 293-A:1.23 Effective Time and Date of Document.

(a) Except as provided in subsection (b) and RSA 293-A:1.24(c), a document accepted for filing is effective:

- (1) At the close of business on the date it is filed, as evidenced by the secretary of state's date endorsement of the original document; or
- (2) At the time specified in the document as its effective time on the date it is filed.

(b) A document may specify a delayed effective time and date, and if it does so the document becomes effective at the time and date specified. If a delayed effective date but no time is specified, the document is effective at the close of business on that date. A delayed effective date for a document may not be later than the ninetieth day after the date it is filed.

#### 293-A:1.24 Correcting Filed Document.

(a) A domestic or foreign corporation may correct a document filed by the secretary of state if the document (1) contains an incorrect statement or (2) was defectively executed, attested, sealed, verified, or acknowledged.

(b) A document is corrected:

- (1) By preparing articles of correction that
  - (i) Describe the document (including its filing date) or attach a copy of it to the articles,
  - (ii) Specify the incorrect statement and the reason it is incorrect or the manner in which the execution was defective,
  - (iii) Correct the incorrect statement or defective execution; and
- (2) By delivering the articles to the secretary of state for filing.

(c) Articles of correction are effective on the effective date of the document they correct except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, articles of correction are effective when filed.



293-A:1.25 Filing Duty of Secretary of State.

(a) If a document delivered to the office of the secretary of state for filing satisfies the requirements of RSA 293-A:1.20, the secretary of state shall file it.

(b) The secretary of state files a document by stamping or otherwise endorsing "Filed", together with his name and official title and the date of receipt, on both the original and the document copy. After filing a document, except as provided in RSA 293-A:5.03 and RSA 293-A:15.10, the secretary of state shall deliver the document copy to the domestic or foreign corporation or its representative.

(c) If the secretary of state refuses to file a document, he shall return it to the domestic or foreign corporation or its representative within 30 days after the document was delivered, together with a brief, written explanation of the reason for his refusal.

(d) The secretary of state's duty to file documents under this section is administrative. His filing or refusing to file a document does not:

(1) Affect the validity or invalidity of the document in whole or part;

(2) Relate to the correctness or incorrectness of information contained in the document;

(3) Create a presumption that the document is valid or invalid or that information contained in the document is correct or incorrect.

(e) The secretary of state and those acting on his behalf shall incur no liability, either personally or on behalf of the state of New Hampshire, as a result of defects or inconsistencies in the documents recorded by them under RSA 292, 293, 293-A and 296 or as a result of negligent acts or omissions in the handling and recording of those documents.

293-A:1.26 Appeal From Secretary of State's Refusal to File Document.

(a) If the secretary of state refuses to file a document delivered to his office for filing, the domestic or foreign corporation may appeal the refusal within 30 days after the return of the document to the superior court of the county where the corporation's registered office is or will be located. The appeal is commenced by petitioning the court to compel filing the document and by attaching to the petition the document and the secretary of state's explanation of his refusal to file.

(b) The court may summarily order the secretary of state to file the document or take other action the court considers appropriate.

(c) The court's final decision may be appealed as in other civil proceedings.

293-A:1.27 Evidentiary Effect of Copy of Filed Document. A certificate attached or affixed to a copy of a document filed by the secretary of state, bearing his signature and the seal of this state (both of which may be in facsimile) is conclusive evidence that the original document is on file with the secretary of state.

293-A:1.28 Certificate of Existence.

(a) Anyone may apply to the secretary of state to furnish a certificate of existence for a domestic corporation or a certificate of authorization for a foreign corporation.

(b) A certificate of existence or authorization sets forth:

(1) The domestic corporation's corporate name or the foreign corporation's corporate name used in this state.

(2) That:

(i) The domestic corporation is duly incorporated under the law of this state, and the date of its incorporation; or

(ii) The foreign corporation is authorized to transact business in this state.

(3) That all fees, taxes, and penalties owed to this state have been paid, if:

(i) Payment is reflected in the records of the secretary of state; and  
(ii) Nonpayment affects the existence or authorization of the domestic or foreign corporation.

(4) That its most recent annual report has been delivered to the secretary of state, if required.

(5) That articles of dissolution have not been filed.

(6) Other facts of record in the office of the secretary of state that may be requested by the applicant.

(c) Subject to any qualification stated in the certificate, a certificate of existence or authorization issued by the secretary of state may be relied upon as conclusive evidence that the domestic or foreign corporation is in existence or is authorized to transact business in this state.

293-A:1.29 Penalty for Signing False Document.

(a) A person commits an offense if he signs a document he knows is false in any material respect with intent that the document be delivered to the secretary of state for filing.

(b) An offense under this section is a misdemeanor.

### C. Secretary of State

293-A:1.30 Powers. The secretary of state has the power reasonably necessary to perform the duties required of him by this chapter.

293-A:1.31 License Fees Payable by Domestic Corporations.

(a) The secretary of state shall charge and collect from each domestic corporation license fees, based upon the number of shares which it will have authority to issue or the increase in the number of shares which it will have the authority to issue, at the time of:

(1) Filing articles of incorporation;

(2) Filing articles of amendment increasing the number of authorized shares; and

(3) Filing articles of merger or consolidation increasing the number of authorized shares which the surviving or new corporation, if a domestic corporation, will have the authority to issue above the aggregate number of shares which the constituent domestic corporations and constituent foreign corporations authorized to transact business in this state had authority to issue.

(b) The license fees shall be as follows:

(1) When the authorized shares do not exceed 10, \$0.

(2) When the authorized shares do not exceed 15,000, \$75.

(3) When the authorized shares exceed 15,000 but do not exceed 50,000, \$100.

(4) When the authorized shares exceed 50,000 but do not exceed 150,000, \$300.

(5) When the authorized shares exceed 150,000 but do not exceed 250,000, \$400.

(6) When the authorized shares exceed 250,000 but do not exceed 500,000, \$800.

(7) When the authorized shares exceed 500,000 but do not exceed 1,000,000, \$1,500.

(8) For each additional 100,000 shares above 1,000,000, \$100.

(c) The license fees payable on an increase in the number of authorized shares shall be such sum as, when added to the fees paid at the time of the original authoriza-

tion and prior increase, if any, will make the total fees accord with the schedule under this section, provided, however, that the minimum fee shall be \$30.

293-A:1.32 License Fees Payable for Foreign Corporations. The secretary of state shall charge and collect from each foreign corporation a license fee of \$200 at the time of filing an application for a certificate of authority to transact business in this state.

293-A:1.33 Maintenance Fees Payable by Domestic Corporations.

(a) For the privilege of continuing its corporate franchise, every domestic corporation shall pay annually to the secretary of state, at the time of filing its annual report, a franchise fee, also to be known as a maintenance fee, equal to the license fee paid upon filing its original articles of incorporation plus an amount equal to any additional license fees for increases in its authorized shares, if any. In case the authorized shares are reduced, the annual franchise fee shall be equal to the amount which would have been required for the original license fee of a corporation with shares at the amount as reduced. In no case, however, shall the annual franchise fee be more than \$2,000 or less than \$100; and it shall not be required of any corporation which on April 1 of any year shall not have been incorporated more than 6 months.

(b) Notwithstanding the provisions of RSA 293-A:1.22 and RSA 293-A:1.33(a), any corporation with 10 or fewer authorized shares as of the last day of the preceeding calendar year shall not be assessed an annual franchise fee.

293-A:1.34 Maintenance Fees Payable by Foreign Corporations. For the privilege of continuing to exercise its authority to transact business in this state, every foreign corporation authorized to transact business in this state shall pay annually to the secretary of state, at the time of making its annual return, a franchise fee, also to be known as a maintenance fee, of \$300. In no case, however, shall the annual franchise fee be required of any such corporation which on April 1 of any year shall not have been registered to transact business in the state for 6 months.

293-A:1.35 Assessment and Collection of Annual Fees. It shall be the duty of the secretary of state to collect all annual franchise fees and penalties imposed by, or assessed in accordance with, this chapter.

293-A:1.36 Penalties Imposed. Each corporation, domestic or foreign, that fails or refuses to file its annual report or to pay all associated fees related thereto, or both, for any year by April 15 shall be subject to an additional fee as set out in RSA 293-A:1.22(a)(12).

293-A:1.37 Administration.

(a) The secretary of state shall collect all fees required under this chapter and shall pay them to the state treasurer to be deposited in the general fund as unrestricted revenue, except as provided in subsections (b) and (c).

(b) The state treasurer shall pay the expenses of administering this chapter out of any money in the treasury not otherwise appropriated until the fees collected pursuant to RSA 293-A:1.22(a) have been received by him. Thereafter he shall pay the expenses of administering this chapter out of the fees collected under RSA 293-A:1.22(a) and shall reimburse the treasury for previous expenses paid by him. The governor is authorized to draw his warrant for the sums authorized by this section out of any money in the treasury not otherwise appropriated.

(c) Fees collected by the secretary of state pursuant to RSA 293-A:1.22(e) shall be deposited in the same manner as fees collected pursuant to RSA 293-A:1.22(a) and shall be available to the secretary of state to administer the provisions of this chapter in the same manner as provided in subsection (b) of this section.

## 293-A:1.38 Interrogatories by Secretary of State; Penalties.

(a) The secretary of state may propound to any corporation, domestic or foreign, subject to the provisions of this chapter, and to any officer or director of the corporation, interrogatories as may be reasonably necessary and proper to enable him to ascertain whether the corporation has complied with all the provisions of this chapter applicable to the corporation. Interrogatories shall be answered within 30 days after the mailing, or within such additional time as shall be fixed by the secretary of state. The answers to the interrogatories shall be full and complete and shall be made in writing and under oath. If the interrogatories are directed to an individual they shall be answered by him, and if directed to a corporation they shall be answered by its president, vice president, secretary or assistant secretary. The secretary of state shall not need to record any document to which the interrogatories relate until the interrogatories are answered as provided in this section, and then not if the answers to the interrogatories disclose that the document is not in conformity with the provisions of this chapter. The secretary of state shall certify to the attorney general, for such action as the attorney general may deem appropriate, all interrogatories and answers to interrogatories which disclose a violation of any of the provisions of this chapter.

(b) The attorney general may petition the superior court of the county in which the individual to whom interrogatories are directed resides, or in which the corporation has its registered office, or of Hillsborough county if the individual or corporation does not reside in or maintain a registered office in this state to seek enforcement of the interrogatories. To the extent that they are not in conflict with this section, all rules of the superior court relating to interrogatories shall be applicable to the interrogatories propounded by the secretary of state pursuant to this section.

(c) Interrogatories propounded by the secretary of state and the answers to the interrogatories shall not be open to public inspection nor shall the secretary of state disclose any facts or information obtained from the answers except insofar as his official duty may require it to be made public or in the event the interrogatories or their answers are required for evidence in any criminal proceedings or in any other action by the state.

(d) Each officer and director of a corporation, domestic or foreign, who fails or refuses within the time prescribed by this chapter to answer truthfully and fully interrogatories propounded to him by the secretary of state in accordance with the provisions of this chapter, or who signs any articles, statement, report, application or other document filed with the secretary of state which is known to the officer or director to be false in any material respect, shall be guilty of a misdemeanor.

## D. Definitions

## 293-A:1.40 Definitions. In this chapter:

(1) "Articles of incorporation" include amended and restated articles of incorporation and articles of merger.

(2) "Authorized shares" means the shares of all classes a domestic or foreign corporation is authorized to issue.

(3) "Conspicuous" means so written that a reasonable person against whom the writing is to operate should have noticed it. For example, printing in italics or bold-face or contrasting color, or typing in capitals or underlined, is conspicuous.

(4) "Corporation" or "domestic corporation" means a corporation for profit, which is not a foreign corporation, incorporated under or subject to the provisions of this chapter.



(5) "Deliver" includes mail.

(6) "Distribution" means a direct or indirect transfer of money or other property (except its own shares) or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect of any of its shares. A distribution may be in the form of a declaration or payment of a dividend; a purchase, redemption, or other acquisition of shares; a distribution of indebtedness; or otherwise.

(7) "Effective date of notice" is defined in RSA 293-A:1.41.

(8) "Employee" includes an officer but not a director. A director may accept duties that make him also an employee.

(9) "Entity" includes corporation and foreign corporation; not-for-profit corporation; profit and not-for-profit unincorporated association; business trust, estate, partnership, trust, and 2 or more persons having a joint or common economic interest; and state, United States, and foreign government.

(10) "Foreign corporation" means a corporation for profit incorporated under a law other than the law of this state.

(11) "Governmental subdivision" includes agency, county, district, and municipality.

(12) "Includes" denotes a partial definition.

(13) "Individual" includes the estate of an incompetent or deceased individual.

(14) "Means" denotes an exhaustive definition.

(15) "Notice" is defined in RSA 293-A:1.41.

(16) "Person" includes individual and entity.

(17) "Principal office" means the office (in or out of this state) so designated in the annual report where the principal executive offices of a domestic or foreign corporation are located.

(18) "Proceeding" includes civil suit and criminal, administrative, and investigatory action.

(19) "Record date" means the date on which a corporation determines the identity of its shareholders and their shareholdings for purposes of this chapter. The determinations shall be made as of the close of business on the record date unless another time for doing so is specified when the record date is fixed.

(20) "Secretary" means the corporate officer to whom the board of directors has delegated responsibility under RSA 293-A:8.40(c) for custody of the minutes of the meetings of the board of directors and of the shareholders and for authenticating records of the corporation.

(21) "Shareholder" means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.

(22) "Shares" means the units into which the proprietary interests in a corporation are divided.

(23) "State", when referring to a part of the United States, includes a state and commonwealth, and their agencies and governmental subdivisions, and a territory and insular possession, and their agencies and governmental subdivisions, of the United States.

(24) "Subscriber" means a person who subscribes for shares in a corporation, whether before or after incorporation.

(25) "United States" includes district, authority, bureau, commission, department, and any other agency of the United States.

(26) "Voting group" means all shares of one or more classes or series that under the articles of incorporation or this chapter are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the articles of incorporation or this chapter to vote generally on the matter are for that purpose a single voting group.

293-A:1.41 Notice.

(a) Notice under this chapter shall be in writing, unless oral notice is reasonable under the circumstances.

(b) Notice may be communicated in person; by telephone, telegraph, teletype, or other form of wire or wireless communication; or by mail or private carrier. If these forms of personal notice are impracticable, notice may be communicated by a newspaper of general circulation in the area where published; or by radio, television, or other form of public broadcast communication.

(c) Written notice by a domestic or foreign corporation to its shareholder, if in a comprehensible form, is effective when mailed, if mailed postpaid and correctly addressed to the shareholder's address shown in the corporation's current record of shareholders.

(d) Written notice to a domestic or foreign corporation authorized to transact business in this state may be addressed to its registered agent at its registered office or to the corporation or its secretary at its principal office shown in its most recent annual report or, in the case of a foreign corporation that has not yet delivered an annual report, in its application for a certificate of authority.

(e) Except as provided in subsection (c), written notice, if in a comprehensible form, is effective at the earliest of the following:

(1) When received.

(2) Five days after its deposit in the United States mail, as evidenced by the postmark, if mailed postpaid and correctly addressed.

(3) On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee.

(f) Oral notice is effective when communicated if communicated in a comprehensible manner.

(g) If this chapter prescribes notice requirements for particular circumstances, those requirements govern. If articles of incorporation or bylaws prescribe notice requirements, not inconsistent with this section or other provisions of this chapter, those requirements govern.

293-A:1.42 Number of Shareholders. For the purposes of this chapter:

(a) The following identified as a shareholder in a corporation's current record of shareholders constitutes one shareholder:

(1) Three or fewer coowners.

(2) A corporation, partnership, trust, estate, or other entity.

(3) The trustees, guardians, custodians, or other fiduciaries of a single trust, estate, or account.

(b) Shareholdings registered in substantially similar names constitute one shareholder if it is reasonable to believe that the names represent the same person.

### Incorporation

293-A:2.01 Incorporators. One or more persons may act as the incorporator or incorporators and incorporate a corporation by delivering articles of incorporation and the certification required by RSA 421-B:13, I-a(b) to the secretary of state for filing.

#### 293-A:2.02 Articles of Incorporation.

(a) The articles of incorporation shall set forth:

(1) A corporate name for the corporation that satisfies the requirements of RSA 293-A:4.01.

(2) The number of shares the corporation is authorized to issue.

(3) The street address of the corporation's initial registered office and the name of its initial registered agent at that office.

(4) The name and address of each incorporator.

(b) The articles of incorporation may set forth:

(1) The names and addresses of the individuals who are to serve as the initial directors.

(2) Provisions not inconsistent with law regarding:

(i) The purposes for which the corporation is organized.

(ii) Managing the business and regulating the powers of the corporation, its board of directors, and shareholders.

(iii) Defining, limiting, and regulating the powers of the corporation, its board of directors, and shareholders.

(iv) A par value for authorized shares or classes of shares.

(v) The imposition of personal liability on shareholders for the debts of the corporation to a specified extent and upon specified conditions.

(3) Any provision that under this chapter is required or permitted to be set forth in the bylaws.

(4) A provision eliminating or limiting the liability of a director, an officer, or both, to the corporation or its shareholders for money damages for any action taken, or any failure to take any action, as a director, except liability for:

(A) The amount of a financial benefit received by a director to which he is not entitled;

(B) An intentional infliction of harm on the corporation or the shareholders;

(C) A violation of RSA 293-A:8.33; or

(D) An intentional violation of criminal law.

(c) The articles of incorporation need not set forth any of the corporate powers enumerated in this chapter.

#### 293-A:2.03 Incorporation.

(a) Unless a delayed effective date is specified, the corporate existence begins when the articles of incorporation are filed.

(b) The secretary of state's filing of the articles of incorporation is conclusive proof that the incorporators satisfied all conditions precedent to incorporation except in a proceeding by the state to cancel or revoke the incorporation or involuntarily dissolve the corporation.

293-A:2.04 Liability for Preincorporation Transactions. All persons purporting to act as or on behalf of a corporation, knowing there was no incorporation under this chapter, are jointly and severally liable for all liabilities created while so acting.

#### 293-A:2.05 Organization of Corporation.

(a) After incorporation:

(1) If initial directors are named in the articles of incorporation, the initial directors shall hold an organizational meeting, at the call of a majority of the directors, to complete the organization of the corporation by appointing officers, adopting bylaws, and carrying on any other business brought before the meeting.

(2) If initial directors are not named in the articles, the incorporator or incorporators shall hold an organizational meeting at the call of a majority of the incorporators:

(i) To elect directors and complete the organization of the corporation; or

(ii) To elect a board of directors who shall complete the organization of the corporation.

(b) Action required or permitted by this chapter to be taken by incorporators at an organizational meeting may be taken without a meeting if the action taken is evidenced by one or more written consents describing the action taken and signed by each incorporator.

(c) An organizational meeting may be held in or out of this state.

#### 293-A:2.06 Bylaws.

(a) The incorporators or board of directors of a corporation shall adopt initial bylaws for the corporation.

(b) The bylaws of a corporation may contain any provision for managing the business and regulating the affairs of the corporation that is not inconsistent with law or the articles of incorporation.

#### 293-A:2.07 Emergency Bylaws.

(a) Unless the articles of incorporation provide otherwise, the board of directors of a corporation may adopt bylaws to be effective only in an emergency defined in subsection (d). The emergency bylaws, which are subject to amendment or repeal by the shareholders, may make all provision necessary for managing the corporation during the emergency, including:

(1) Procedures for calling a meeting of the board of directors.

(2) Quorum requirements for the meeting.

(3) Designation of additional or substitute directors.

(b) All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency. The emergency bylaws are not effective after the emergency ends.

(c) Corporate action taken in good faith in accordance with the emergency bylaws:

(1) Binds the corporation.

(2) May not be used to impose liability on a corporate director, officer, employee, or agent.

(d) An emergency exists for purposes of this section if a quorum of the corporation's directors cannot readily be assembled because of some catastrophic event.

### Purposes and Powers of Corporations

#### 293-A:3.01 Purposes.

(a) Every corporation incorporated under this chapter has the purpose of engaging in any lawful business unless a more limited purpose is set forth in the articles of incorporation.

(b) Notwithstanding the provisions of subsection (a), a corporation may not be organized under this chapter for the purpose of carrying on the businesses of banking, the construction and maintenance of railroads, the business of making contracts for



the payment of money at a fixed date or upon the happening of some contingency, or the business of a trust, surety, indemnity or safe deposit company; provided, however, that if the commissioner of the department of transportation enters an order finding that it shall be in the public good and subject to such terms and conditions as he may prescribe in the public interest, a corporation may be formed pursuant to the provisions of this chapter to acquire, maintain and operate any existing line or railroad or street railway within this state.

293-A:3.02 General Powers. Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, including without limitation power:

- (1) To sue and be sued, complain and defend in its corporate name.
  - (2) To have a corporate seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it or in any other manner reproducing it.
  - (3) To make and amend bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for managing the business and regulating the affairs of the corporation.
  - (4) To purchase, receive, lease, or otherwise acquire, and own, hold, improve, use, and otherwise deal with, real or personal property, or any legal or equitable interest in property, wherever located.
  - (5) To sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property.
  - (6) To purchase, receive, subscribe for, or otherwise acquire; own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of; and deal in or with shares or other interests in, or obligations of, any other entity.
  - (7) To make contracts and guarantees, incur liabilities, borrow money, issue its notes, bonds, and other obligations (which may be convertible into or include the option to purchase other securities of the corporation), and secure any of its obligation by mortgage or pledge of any of its property, franchises, or income.
  - (8) To lend money, invest and reinvest its funds, and receive and hold real and personal property as security for repayment.
  - (9) To be a promoter, partner, member, associate, or manager of any partnership, joint venture, trust, or other entity.
  - (10) To conduct its business, locate offices, and exercise the powers granted by this chapter within or without this state.
  - (11) To elect directors and appoint officers, employees, and agents of the corporation, define their duties, fix their compensation, and lend them money and credit.
  - (12) To pay pensions and establish pension plans, pension trusts, profit sharing plans, share bonus plans, share option plans, and benefit or incentive plans for any or all of its current or former directors, officers, employees, and agents.
  - (13) To make donations for the public welfare or for charitable, scientific, or educational purposes.
  - (14) To transact any lawful business that will aid governmental policy.
  - (15) To make payments or donations, or do any other act, not inconsistent with law, that furthers the business and affairs of the corporation.
- 293-A:3.03 Emergency Powers.
- (a) In anticipation of or during an emergency defined in subsection (d), the board of directors of a corporation may:

(1) Modify lines of succession to accommodate the incapacity of any director, officer, employee, or agent.

(2) Relocate the principal office, designate alternative principal offices or regional offices, or authorize the officers to do so.

(b) During an emergency defined in subsection (d), unless emergency bylaws provide otherwise:

(1) Notice of a meeting of the board of directors need be given only to those directors whom it is practicable to reach and may be given in any practicable manner, including by publication and radio.

(2) One or more officers of the corporation present at a meeting of the board of directors may be deemed to be directors for the meeting, in order of rank and within the same rank in order of seniority, as necessary to achieve a quorum.

(c) Corporate action taken in good faith during an emergency under this section to further the ordinary business affairs of the corporation:

(1) Binds the corporation; and

(2) May not be used to impose liability on a corporate director, officer, employee, or agent.

(d) An emergency exists for purposes of this section if a quorum of the corporation's directors cannot readily be assembled because of some catastrophic event.

293-A:3.04 *Ultra Vires*. No act of a corporation and no conveyance or transfer of real or personal property to or by a corporation shall be invalid because the corporation was without capacity or power to do the act or to make or receive the conveyance or transfer, but the lack of capacity or power may be asserted:

(a) In a proceeding by a shareholder against a corporation to enjoin the doing of any act or the transfer of real or personal property by or to the corporation. If the unauthorized act or transfer sought to be enjoined is being, or is to be, performed or made under a contract to which the corporation is a party, the court may, if all of the parties to the contract are parties to the proceeding and if it deems the same to be equitable, set aside and enjoin the performance of the contract, and in so doing may allow to the corporation or to other parties to the contract, as the case may be, compensation for the loss or damage sustained by either of them which may result from the action of the court in setting aside and enjoining the performance of the contract. Anticipated profits to be derived from the performance of the contract shall not be awarded by the court as a loss or damage sustained.

(b) In a proceeding by the corporation, whether acting directly or through a receiver, trustee, or other legal representative, or through shareholders in a representative suit, against the incumbent or former directors or officers of the corporation.

(c) In a proceeding by the attorney general, as provided in this chapter to dissolve the corporation, or in a proceeding by the attorney general to enjoin the corporation from the transaction of unauthorized business.

#### Name

293-A:4.01 Corporate Name.

(a) A corporate name shall:

(1) Contain the word "corporation," "incorporated," or "limited" or the abbreviation "corp.," "inc.," or "ltd.," or words or abbreviations of like import in another language

(2) Not contain language stating or implying that the corporation is organized for a purpose other than that permitted by RSA 293-A:3.01 and its articles of incorporation.

(b) Except as authorized by subsection (c) and (d), a corporate name shall not be the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state or any foreign corporation authorized to transact business in this state, or a name the exclusive right to which is, at the time, reserved in the manner provided in this chapter, or the name of a corporation which has in effect a registration of its corporate name as provided in this chapter, or the name of an agency or instrumentality of the United States or this state or a subdivision thereof, or the name of a proprietorship, partnership, New Hampshire investment trust, voluntary association, limited partnership or an association registered as a trade name in this state, or the name of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of the respective political organization.

(c) A corporation may apply to the secretary of state for authorization to use a name that is the same as, or deceptively similar to, one or more of the names described in subsection (b). The secretary of state shall authorize use of the name applied for if:

(1) The corporation consents to the use in writing and submits an undertaking in form satisfactory to the secretary of state to change its name to a name that is not the same as, or deceptively similar to, the name of the applying corporation; or

(2) The applicant delivers to the secretary of state a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.

(d) A corporation may use the name (including the fictitious name) of another domestic or foreign corporation that is used in this state if the other corporation is incorporated or authorized to transact business in this state and the proposed user corporation:

(1) has merged with the other corporation;

(2) has been formed by reorganization of the other corporation; or

(3) has acquired all or substantially all of the assets, including the corporate name, of the other corporation.

(e) This chapter does not control the use of fictitious names.

#### 293-A:4.02 Reserved Name.

(a) The exclusive right to the use of a corporate name may be reserved by:

(1) Any person intending to organize a corporation under this chapter;

(2) Any domestic corporation intending to change its name;

(3) Any foreign corporation intending to make application for a certificate of authority to transact business in this state;

(4) Any foreign corporation authorized to transact business in this state and intending to change its name; or

(5) Any person intending to organize a foreign corporation and intending to have the corporation make application for a certificate of authority to transact business in this state.

(b) The reservation shall be made by filing with the secretary of state an application to reserve a specified corporate name, executed by the applicant. If the secretary of state finds that the name is available for corporate use, he shall reserve the name for the exclusive use of the applicant for a period of 120 days.

(c) The right to the exclusive use of a specified corporate name so reserved may be transferred to any other person or corporation by filing in the office of the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

293-A:4.03 Registered Name.

(a) Any corporation organized and existing under the laws of any state or territory of the United States may register its corporate name under this chapter, provided its corporate name is not the same as, or deceptively similar to, the name of any domestic corporation existing under the laws of this state, or the name of any foreign corporation authorized to transact business in this state, or any corporate name reserved or registered under this chapter, or the name of an agency or instrumentality of the United States or this state or a subdivision thereof, or the name of a proprietorship, partnership or an association registered as a trade name in this state.

(b) Registration shall be made by:

(1) Filing with the secretary of state

(i) An application for registration executed by the corporation by an officer of the corporation, setting forth the name of the corporation, the state or territory under the laws of which it is incorporated, the date of its incorporation, a statement that it is carrying on or doing business, and a brief statement of the business in which it is engaged; and

(ii) A certificate setting forth that the corporation is in good standing under the laws of the state or territory in which it is organized, executed by the secretary of state of the state or territory or by any other official who has custody of the records pertaining to corporations; and

(2) Paying to the secretary of state the permitted registration fee.

(c) Registration shall be effective until the close of the calendar year in which the application for registration is filed.

293-A:4.04 Renewal of Registered Name.

(a) A corporation which has in effect a registration of its corporate name may renew the registration from year to year by:

(1) Annually filing an application for renewal setting forth the facts required to be set forth in an original application for registration and a certificate of good standing as required for the original registration; and

(2) By paying the prescribed fee.

(b) A renewal application may be filed between October 1 and December 31 of each year, and shall extend the registration for the following calendar year.

Office and Agent

293-A:5.01 Registered Office and Registered Agent. Each corporation shall continuously maintain in this state:

(1) A registered office that may be the same as any of its places of business.

(2) A registered agent, who may be:

(i) An individual who resides in this state and whose business office is identical with the registered office;

(ii) A domestic corporation or not-for-profit domestic corporation whose business office is identical with the registered office; or

(iii) A foreign corporation or not-for-profit foreign corporation authorized to transact business in this state whose business office is identical with the registered office.



**293-A:5.02 Change of Registered Office or Registered Agent.**

(a) A corporation may change its registered office or registered agent by delivering to the secretary of state for filing a statement of change that sets forth:

(1) The name of the corporation.

(2) The street address of its current registered office.

(3) If the current registered office is to be changed, the street address of the new registered office.

(4) The name of its current registered office.

(5) If the current registered agent is to be changed, the name of the new registered agent.

(6) That after the change or changes are made, the street addresses of its registered office and the business office of its registered agent will be identical.

(b) If a registered agent changes the street address of his business office, he may change the street address of the registered office of any corporation for which he is the registered agent by notifying the corporation in writing of the change and signing, either manually or in facsimile, and delivering to the secretary of state for filing a statement that complies with the requirements of subsection (a) and recites that the corporation has been notified of the change.

**293-A:5.03 Resignation of Registered Agent.**

(a) A registered agent may resign his agency appointment by signing and delivering to the secretary of state for filing the signed original and one exact or conformed copy of a statement of resignation. The statement may include a statement that the registered office is also discontinued.

(b) After filing the statement the secretary of state shall mail the copy to the corporation at its principal office.

(c) The agency appointment is terminated, and the registered office discontinued if so provided, on the thirty-first day after the date on which the statement was filed.

**293-A:5.04 Service on Corporation.**

(a) A corporation's registered agent is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the corporation.

(b) If a corporation has no registered agent, or the agent cannot with reasonable diligence be served, the corporation may be served by registered or certified mail, return receipt requested, addressed to the secretary of the corporation at its principal office. Service is perfected under this subsection at the earliest of:

(1) The date the corporation receives the mail;

(2) The date shown on the return receipt, if signed on behalf of the corporation; or

(3) Five days after its deposit in the United States mail, as evidenced by the postmark, if mailed postpaid and correctly addressed.

(c) This section does not prescribe the only means, or necessarily the required means, of serving a corporation.

**A. Shares and Distributions Shares****293-A:6.01 Authorized Shares.**

(a) The articles of incorporation must prescribe the classes of shares and the number of shares of each class that the corporation is authorized to issue. If more than one class of shares is authorized, the articles of incorporation must prescribe a distinguishing designation for each class, and, prior to the issuance of shares of a class, the preferences, limitations, and relative rights of that class must be described in the

articles of incorporation. All shares of a class must have preferences, limitations, and relative rights identical with those of other shares of the same class except to the extent otherwise permitted by RSA 293-A:6.02.

(b) The articles of incorporation must authorize:

(1) One or more classes of shares that together have unlimited voting rights; and

(2) One or more classes of shares (which may be the same class or classes as those with voting rights) that together are entitled to receive the net assets of the corporation upon dissolution.

(c) The articles of incorporation may authorize one or more classes of shares that:

(1) Have special, conditional, or limited voting rights, or no right to vote, except to the extent prohibited by this chapter.

(2) Are redeemable or convertible as specified in the articles of incorporation:

(i) At the option of the corporation, the shareholder, or another person or upon the occurrence of a designated event.

(ii) For cash, indebtedness, securities, or other property.

(iii) In a designated amount or in an amount determined in accordance with a designated formula or by reference to extrinsic data or events.

(3) Entitle the holders to distributions calculated in any manner, including dividends that may be cumulative, noncumulative, or partially cumulative.

(4) Have preference over any other class of shares with respect to distributions, including dividends and distributions upon the dissolution of the corporation.

(d) The description of the designations, preferences, limitations, and relative rights of share classes in subsection (c) is not exhaustive.

#### 293-A:6.02 Terms of Class or Series Determined by Board of Directors.

(a) If the articles of incorporation so provide, the board of directors may determine, in whole or part, the preferences, limitations, and relative rights, within the limits set forth in RSA 293-A:6.01, of:

(1) Any class of shares before the issuance of any shares of that class; or

(2) One or more series within a class before the issuance of any shares of that series.

(b) Each series of a class must be given a distinguishing designation.

(c) All shares of a series must have preferences, limitations, and relative rights identical with those of other shares of the same series and, except to the extent otherwise provided in the description of the series, with those of other series of the same class.

(d) Before issuing any shares of a class or series created under this section, the corporation must deliver to the secretary of state for filing articles of amendment, which are effective without shareholder action, that set forth:

(1) The name of the corporation;

(2) The text of the amendment determining the terms of the class or series of shares.

(3) The date it was adopted.

(4) A statement that the amendment was duly adopted by the board of directors.

#### 293-A:6.03 Issued and Outstanding Shares.

(a) A corporation may issue the number of shares of each class or series authorized by the articles of incorporation. Shares that are issued are outstanding shares until they are reacquired, redeemed, converted, or cancelled.

(b) The reacquisition, redemption, or conversion of outstanding shares is subject to the limitations of subsection (c) and to RSA 293-A:6.40.

(c) At all times that shares of the corporation are outstanding, one or more shares that together have unlimited voting rights and one or more shares that together are entitled to receive the net assets of the corporation upon dissolution must be outstanding.

#### 293-A:6.04 Fractional Shares.

(a) A corporation may:

(1) Issue fractions of a share or pay in money the value of fractions of a share.

(2) Arrange for disposition of fractional shares by the shareholders.

(3) Issue scrip in registered or bearer form entitling the holder to receive a full share upon surrendering enough scrip to equal a full share.

(b) Each certificate representing scrip must be conspicuously labeled "scrip" and must contain the information required by RSA 293-A:6.25(b).

(c) The holder of a fractional share is entitled to exercise the rights of a shareholder, including the right to vote, to receive dividends, and to participate in the assets of the corporation upon liquidation. The holder of scrip is not entitled to any of these rights unless the scrip provides for them.

(d) The board of directors may authorize the issuance of scrip subject to any condition considered desirable, including:

(1) That the scrip will become void if not exchanged for full shares before a specified date.

(2) That the shares for which the scrip is exchangeable may be sold and the proceeds paid to the scripholders.

#### B. Issuance of Shares

##### 293-A:6.20 Subscription for Shares Before Incorporation.

(a) A subscription for shares entered into before incorporation is irrevocable for 6 months, unless the subscription agreement provides a longer or shorter period or all the subscribers agree to revocation.

(b) The board of directors may determine the payment terms of subscriptions for shares that were entered into before incorporation, unless the subscription agreement specifies them. A call for payment by the board of directors must be uniform so far as practicable as to all shares of the same class or series, unless the subscription agreement specifies otherwise.

(c) Shares issued pursuant to subscriptions entered into before incorporation are fully paid and nonassessable when the corporation receives the consideration specified in the subscription agreement.

(d) If a subscriber defaults in payment of money or property under a subscription agreement entered into before incorporation, the corporation may collect the amount owed as any other debt. Alternatively, unless the subscription agreement provides otherwise, the corporation may rescind the agreement and may sell the shares if the debt remains unpaid more than 20 days after the corporation sends written demand for payment to the subscriber.

(e) A subscription agreement entered into after incorporation is a contract between the subscriber and the corporation subject to RSA 293-A:6.21.

**293-A:6.21 Issuance of Shares.**

(a) The powers granted in this section to the board of directors may be reserved to the shareholders by the articles of incorporation.

(b) The board of directors may authorize shares to be issued for consideration consisting of any tangible or intangible property or benefit to the corporation, including cash, promissory notes, services performed, contracts for services to be performed, or other securities of the corporation.

(c) Before the corporation issues shares, the board of directors must determine that the consideration received or to be received for shares to be issued is adequate. That determination by the board of directors is conclusive insofar as the adequacy of consideration for the issuance of shares relates to whether the shares are validly issued, fully paid, and nonassessable.

(d) When the corporation receives the consideration for which the board of directors authorized the issuance of shares, the shares issued therefor are fully paid and nonassessable.

(e) The corporation may place in escrow shares issued for a contract for future services or benefits or a promissory note, or make other arrangements to restrict the transfer of the shares, and may credit distributions in respect of the shares against their purchase price, until the services are preformed, the note is paid, or the benefits received. If the services are not performed, the note is not paid, or the benefits are not received, the shares escrowed or restricted and the distributions credited may be cancelled in whole or in part.

**293-A:6.22 Liability of Shareholders.**

(a) A purchaser from a corporation of its own shares is not liable to the corporation or its creditors with respect to the shares except to pay the consideration for which the shares were authorized to be issued under RSA 293-A:6.21 or specified in the subscription agreement under RSA 293-A:6.20.

(b) Unless otherwise provided in the articles of incorporation, a shareholder of a corporation is not personally liable for the acts or debts of the corporation except that he may become personally liable by reason of his own acts or conduct.

**293-A:6.23 Share Dividends.**

(a) Unless the articles of incorporation provide otherwise, shares may be issued pro rata and without consideration to the corporation's shareholders or to the shareholders of one or more classes or series. An issuance of shares under this subsection is a share dividend.

(b) Shares of one class or series may not be issued as a share dividend in respect of shares of another class or series unless:

(1) The articles of incorporation so authorize.

(2) A majority of the votes entitled to be cast by the class or series to be issued approve the issue.

(3) There are no outstanding shares of the class or series to be issued.

(c) If the board of directors does not fix the record date for determining shareholders entitled to a share dividend, it is the date the board of directors authorizes the share dividend.

**293-A:6.24 Share Options.** A corporation may issue rights, options, or warrants for the purchase of shares of the corporation. The board of directors shall determine the terms upon which the rights, options, or warrants are issued, their form and content, and the consideration for which the shares are to be issued.

**293-A:6.25 Form and Content of Certificates.**



(a) Shares may, but need not be represented by certificates. Unless this chapter or another statute expressly provides otherwise, the rights and obligations of shareholders are identical whether or not their shares are represented by certificates.

(b) At a minimum each share certificate must state on its face:

(1) The name of the issuing corporation and that it is organized under the law of this state.

(2) The name of the person to whom issued.

(3) The number and class of shares and the designation of the series, if any, the certificate represents.

(c) If the issuing corporation is authorized to issue different classes of shares or different series within a class, the designations, relative rights, preferences, and limitations applicable to each class and the variations in rights, preferences, and limitations determined for each series, and the authority of the board of directors to determine variations for future series, must be summarized on the front or back of each certificate. Alternatively, each certificate may state conspicuously on its front or back that the corporation will furnish the shareholder this information on request in writing and without charge.

(d) Each share certificate:

(1) Must be signed, either manually or in facsimile, by 2 officers designated in the bylaws or by the board of directors; and

(2) May bear the corporate seal or its facsimile.

(e) If the person who signed, either manually or in facsimile, a share certificate no longer holds office when the certificate is issued, the certificate is nevertheless valid.

#### 293-A:6.26 Shares Without Certificates.

(a) Unless the articles of incorporation or bylaws provide otherwise, the board of directors of a corporation may authorize the issue of some or all of the shares or any or all of its classes or series without certificates. The authorization does not affect shares already represented by certificates, until they are surrendered to the corporation.

(b) Within a reasonable time after the issue or transfer of shares without certificates, the corporation shall send the shareholder a written statement of the information required on certificates by RSA 293-A:6.25(b) and (c), and, if applicable, RSA 293-A:6.27.

#### 293-A:6.27 Restriction on Transfer of Shares and Other Securities.

(a) The articles of incorporation, bylaws, an agreement among shareholders, or an agreement between shareholders and the corporation may impose restrictions on the transfer or registration of transfer of shares of the corporation. A restriction does not affect shares issued before the restriction was adopted, unless the holders of the shares are parties to the restriction agreement or voted in favor of the restriction.

(b) A restriction on the transfer or registration of transfer of shares is valid and enforceable against the holder or a transferee of the holder if the restriction is authorized by this section and its existence is noted conspicuously on the front or back of the certificate or is contained in the information statement required by RSA 293-A:6.26(b). Unless so noted, a restriction is not enforceable against a person without knowledge of the restriction.

(c) A restriction on the transfer or registration of transfer of shares is authorized:

(1) To maintain the corporation's status when it is dependent on the number or identity of its shareholders.

(2) To preserve exemptions under federal or state securities law.

(3) For any other reasonable purpose.

(d) A restriction on the transfer or registration of transfer of shares may:

(1) Obligate the shareholder first to offer the corporation or other persons separately, consecutively, or simultaneously an opportunity to acquire the restricted shares.

(2) Obligate the corporation or other persons (separately, consecutively, or simultaneously) to acquire the restricted shares.

(3) Require the corporation, the holders of any class of its shares, or any other person to approve the transfer of the restricted shares, if the requirement is not manifestly unreasonable.

(4) Prohibit the transfer of the restricted shares to designated persons or classes of persons, if the prohibition is not manifestly unreasonable.

(e) For purposes of this section, "shares" includes a security convertible into or carrying a right to subscribe for or acquire shares.

293-A:6.28 Expense of Issue. A corporation may pay the expenses of selling or underwriting its shares, and of organizing or reorganizing the corporation, from the consideration received for shares.

### C. Subsequent Acquisition of Shares by Shareholders and Corporation

#### 293-A:6.30 Shareholder's Preemptive Rights.

(a) The shareholders of a corporation do not have a preemptive right to acquire the corporation's unissued shares except to the extent the articles of incorporation so provide.

(b) A statement included in the articles of incorporation that "the corporation elects to have preemptive rights", or words of similar import, means that the following principles apply except to the extent the articles of incorporation expressly provide otherwise:

(1) The shareholders of the corporation have a preemptive right, granted on uniform terms and conditions prescribed by the board of directors to provide a fair and reasonable opportunity to exercise the right, to acquire proportional amounts of the corporation's unissued shares upon the decision of the board of directors to issue them.

(2) A shareholder may waive his preemptive right. A waiver evidenced by a writing is irrevocable even though it is not supported by consideration.

(3) There is no preemptive right with respect to:

(i) Shares issued as compensation to directors, officers, agents, or employees of the corporation, its subsidiaries or affiliates.

(ii) Shares issued to satisfy conversion or option rights created to provide compensation to directors, officers, agents, or employees of the corporation, its subsidiaries or affiliates.

(iii) Shares authorized in articles of incorporation that are issued within 6 months from the effective date of incorporation.

(iv) Shares sold otherwise than for money.

(4) Holders of shares of any class without general voting rights but with preferential rights to distributions or assets have no preemptive rights with respect to shares of any class.

(5) Holders of shares of any class with general voting rights, but without preferential rights to distributions or assets, have no preemptive rights with respect to shares of any class with preferential rights to distributions or assets, unless the shares with preferential rights are convertible into or carry a right to subscribe for or acquire shares without preferential rights.

(6) Shares subject to preemptive rights that are not acquired by shareholders may be issued to any person for a period of one year after being offered to shareholders at a consideration set by the board of directors that is not lower than the consideration set for the exercise of preemptive rights. An offer at a lower consideration or after the expiration of one year is subject to the shareholders' preemptive rights.

(c) For purposes of this section, "shares" includes a security convertible into or carrying a right to subscribe for or acquire shares.

#### 293-A:6.31 Corporation's Acquisition of its Own Shares.

(a) A corporation may acquire its own shares and shares so acquired constitute authorized but unissued shares.

(b) If the articles of incorporation prohibit the reissue of acquired shares, the number of authorized shares is reduced by the number of shares acquired, effective upon amendment of the articles of incorporation.

(c) The board of directors may adopt articles of amendment under this section without shareholder action and deliver them to the secretary of state for filing. The articles must set forth:

(1) The name of the corporation.

(2) The reduction in the number of authorized shares, itemized by class and series.

(3) The total number of authorized shares, itemized by class and series, remaining after reduction of the shares.

#### D. Distributions

##### 293-A:6.40 Distributions to Shareholders.

(a) A board of directors may authorize, and the corporation may make, distributions to its shareholders, subject to restriction by the articles of incorporation and the limitation in subsection (c).

(b) If the board of directors does not fix the record date for determining shareholders entitled to a distribution, other than one involving a purchase, redemption, or other acquisition of the corporation's shares, it is the date the board of directors authorizes the distribution.

(c) No distribution may be made if, after giving it effect:

(1) The corporation would not be able to pay its debts as they become due in the usual course of business.

(2) The corporation's total assets would be less than the sum of its total liabilities plus, unless the articles of incorporation permit otherwise, the amount that would be needed, if the corporation were to be dissolved at the time of the distribution, to satisfy the preferential rights upon dissolution of shareholders whose preferential rights are superior to those receiving the distribution.

(d) The board of directors may base a determination that a distribution is not prohibited under subsection (c) either on financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or on a fair valuation or other method that is reasonable in the circumstances.

(e) Except as provided in subsection (g), the effect of a distribution under subsection (c) is measured:

(1) In the case of distribution by purchase, redemption, or other acquisition of the corporation's shares, as of the earlier of:

(i) The date money or other property is transferred or debt incurred by the corporation; or

(ii) The date the shareholder ceases to be a shareholder with respect to the acquired shares.

(2) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed.

(3) In all other cases, as of:

(i) The date the distribution is authorized if the payment occurs within 120 days after the date of authorization; or

(ii) The date the payment is made if it occurs more than 120 days after the date of authorization.

(f) A corporation's indebtedness to a shareholder incurred by reason of a distribution made in accordance with this section is at parity with the corporation's indebtedness to its general, unsecured creditors except to the extent subordinated by agreement.

(g) Indebtedness of a corporation, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations under subsection (c) if its terms provide that payment of principal and interest are made only if and to the extent that payment of a distribution to shareholders could then be made under this section. If the indebtedness is issued as a distribution, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is actually made.

## Shareholders

### A. Meetings

#### 293-A:7.01 Annual Meeting.

(a) A corporation shall hold a meeting of shareholders annually at a time stated in or fixed in accordance with the bylaws.

(b) Annual shareholders' meetings may be held in or out of this state at the place stated in or fixed in accordance with the bylaws. If no place is stated in or fixed in accordance with the bylaws, annual meetings shall be held at the corporation's principal office.

(c) The failure to hold an annual meeting at the time stated in or fixed in accordance with a corporation's bylaws does not affect the validity of any corporate action.

#### 293-A:7.02 Special Meeting.

(a) A corporation shall hold a special meeting of shareholders:

(1) on call of its board of directors or the person or persons authorized to do so by the articles of incorporation or bylaws; or

(2) if the holders of at least 10 percent of all the votes entitled to be cast on any issue proposed to be considered at the proposed special meeting sign, date, and deliver to the corporation's secretary one or more written demands for the meeting describing the purpose or purposes for which it is to be held.

(b) If not otherwise fixed under RSA 293-A:7.03 or RSA 293-A:7.07, the record date for determining shareholders entitled to demand a special meeting is the date the first shareholder signs the demand.



(c) Special shareholders' meetings may be held in or out of this state at the place stated in or fixed in accordance with the bylaws. If no place is stated or fixed in accordance with the bylaws, special meetings shall be held at the corporation's principal office.

(d) Only business within the purpose or purposes described in the meeting notice required by RSA 293-A:7.05(c), may be conducted at a special shareholders' meeting.

#### 293-A:7.03 Court-Ordered Meeting.

(a) The superior court of the county where a corporation's principal office, or, if none in this state, its registered office, is located may summarily order a meeting to be held:

(1) on application of any shareholder of the corporation entitled to participate in an annual meeting if an annual meeting was not held within the earlier of 6 months after the end of the corporation's fiscal year or 15 months after its last annual meeting; or

(2) on application of a shareholder who signed a demand for a special meeting valid under RSA 293-A:7.02, if:

(i) notice of the special meeting was not given within 30 days after the date the demand was delivered to the corporation's secretary; or

(ii) the special meeting was not held in accordance with the notice.

(b) The court may fix the time and place of the meeting, determine the shares entitled to participate in the meeting, specify a record date for determining shareholders entitled to notice of and to vote at the meeting, prescribe the form and content of the meeting notice, fix the quorum required for specific matters to be considered at the meeting, or direct that the votes represented at the meeting constitute a quorum for action on those matters, and enter other orders necessary to accomplish the purpose or purposes of the meeting.

#### 293-A:7.04 Action Without Meeting.

I.(a) Action required or permitted by this chapter to be taken at a shareholders' meeting may be taken without a meeting if the action is taken by all the shareholders entitled to vote on the action. The action must be evidenced by one or more written consents describing the action taken, signed by all the shareholders entitled to vote on the action, and delivered to the corporation for inclusion in the minutes or filing with the corporate records.

(b) If not otherwise determined under RSA 293-A:7.03 or RSA 293-A:7.07, the record date for determining shareholders entitled to take action without a meeting is the date the first shareholder signs the consent under RSA 293-A:7.04, I(a).

(c) A consent signed under RSA 293-A:7.04, I has the effect of a meeting vote and may be described as such in any document.

(d) If this chapter requires that notice of proposed action be given to nonvoting shareholders and the action is to be taken by unanimous consent of the voting shareholders, the corporation must give its nonvoting shareholders written notice of the proposed action at least 10 days before the action is taken. The notice must contain or be accompanied by the same material that, under this chapter, would have been required to be sent to nonvoting shareholders in a notice of meeting at which the proposed action would have been submitted to the shareholders for action.

II. The articles of incorporation may allow action without meeting under the following as an alternative to RSA 293-A:7.04, I:

(a) Unless otherwise provided in the articles of incorporation, any action required or permitted by this chapter to be taken at a shareholders' meeting may be taken without a meeting without prior notice and without a vote, if the action is taken by all the number of shareholders having not less than the minimum number of votes that would be necessary to take such action at a meeting at which all shares entitled to vote thereon were present and voted. The action must be evidenced by one or more written consents describing the action taken, signed by the number of shareholders necessary to take such action, indicating the date of signature of each shareholder, and delivered by hand or by certified or registered mail, return receipt requested, to the corporation for inclusion in the minutes or filing with the corporate records. No written consent shall be effective to take the corporate action referred to therein unless, within 60 days of the earliest dated consent, it is delivered in the manner required by this paragraph to the corporation. The date of the corporate action shall be the date of delivery to the corporation as required by this paragraph.

(b) If not otherwise fixed under RSA 293-A:7.03 or RSA 293-A:7.07, the record date for determining shareholders entitled to take action without a meeting is the date the first shareholder signs the consent under subsection (a).

(c) A consent signed under RSA 293-A:7.04, II has the effect of a meeting vote and may be described as such in any document.

(d) The corporation must give the shareholders who did not consent in writing prompt written notice of the action. The notice must contain or be accompanied by the same material that, under this chapter, would have been required to be sent to nonvoting shareholders in a notice of meeting at which the proposed action would have been submitted to the shareholders for action, including when appropriate, the dissenters' notice required by RSA 293-A:13.22. The dissenters' notice must be sent no later than 10 days after the corporate action was taken.

#### 293-A:7.05 Notice of Meeting.

(a) A corporation shall notify shareholders of the date, time, and place of each annual and special shareholders' meeting no fewer than 10 nor more than 60 days before the meeting date. Unless this chapter or the articles of incorporation require otherwise, the corporation is required to give notice only to shareholders entitled to vote at the meeting.

(b) Unless this chapter or the articles of incorporation require otherwise, notice of an annual meeting need not include a description of the purpose or purposes for which the meeting is called.

(c) Notice of a special meeting must include a description of the purpose or purposes for which the meeting is called.

(d) If not otherwise fixed under RSA 293-A:7.03 or RSA 293-A:7.07, the record date for determining shareholders entitled to notice of and to vote at an annual or special shareholders' meeting is the day before the first notice is delivered to shareholders.

(e) Unless the bylaws require otherwise, if an annual or special shareholders' meeting is adjourned to a different date, time, or place, notice need not be given of the new date, time, or place if the new date, time, or place is announced at the meeting before adjournment. If a new record date for the adjourned meeting is or must be fixed under RSA 293-A:7.07, however, notice of the adjourned meeting must be given under this section to persons who are shareholders as of the new record date.

#### 293-A:7.06 Waiver of Notice.

(a) A shareholder may waive any notice required by this chapter, the articles of incorporation, or bylaws before or after the date and time stated in the notice. The waiver must be in writing, be signed by the shareholder entitled to the notice, and be delivered to the corporation for inclusion in the minutes or filing with the corporate records.

(b) A shareholder's attendance at a meeting:

(1) waives objection to lack of notice or defective notice of the meeting, unless the shareholder at the beginning of the meeting objects to holding the meeting or transacting business at the meeting; and

(2) waives objection to consideration of a particular matter at the meeting that is not within the purpose or purposes described in the meeting notice, unless the shareholder objects to considering the matter when it is presented.

#### 293-A:7.07 Record Date.

(a) The bylaws may fix or provide the manner of fixing the record date for one or more voting groups in order to determine the shareholders entitled to notice of a shareholders' meeting, to demand a special meeting, to vote, or to take any other action. If the bylaws do not fix or provide for fixing a record date, the board of directors of the corporation may fix a future date as the record date.

(b) A record date fixed under this section may not be more than 70 days before the meeting or action requiring a determination of shareholders.

(c) A determination of shareholders entitled to notice of or to vote at a shareholders' meeting is effective for any adjournment of the meeting unless the board of directors fixes a new record date, which it must do if the meeting is adjourned to a date more than 120 days after the date fixed for the original meeting.

(d) If a court orders a meeting adjourned to a date more than 120 days after the date fixed for the original meeting, it may provide that the original record date continues in effect or it may fix a new record date.

### B. Voting

#### 293-A:7.20 Shareholders' List for Meeting.

(a) After fixing a record date for a meeting, a corporation shall prepare an alphabetical list of the names of all its shareholders who are entitled to notice of a shareholders' meeting. The list must be arranged by voting group, and within each voting group by class or series of shares, and show the address of and number of shares held by each shareholder.

(b) The shareholders' list must be available for inspection by any shareholder, beginning 2 business days after notice of the meeting is given for which the list was prepared and continuing through the meeting, at the corporation's principal office or at a place identified in the meeting notice in the city where the meeting will be held. A shareholder, his agent, or attorney is entitled on written demand to inspect and, subject to the requirements of RSA 293-A:16.02(c), to copy the list, during regular business hours and at his expense, during the period it is available for inspection.

(c) The corporation shall make the shareholders' list available at the meeting, and any shareholder, his agent, or attorney is entitled to inspect the list at any time during the meeting or any adjournment.

(d) If the corporation refuses to allow a shareholder, his agent, or attorney to inspect the shareholders' list before or at the meeting, or copy the list as permitted by subsection (b), the superior court of the county where a corporation's principal office, or, if none in this state, its registered office, is located, on application of the share-

holder, may summarily order the inspection or copying at the corporation's expense and may postpone the meeting for which the list was prepared until the inspection or copying is complete.

(e) Refusal or failure to prepare or make available the shareholders' list does not affect the validity of action taken at the meeting.

293-A:7.21 Voting Entitlement of Shares.

(a) Except as provided in subsections (b) and (c), or unless the articles of incorporation provide otherwise, each outstanding share, regardless of class, is entitled to one vote on each matter voted on at a shareholders' meeting. Only shares are entitled to vote.

(b) Absent special circumstances, the shares of a corporation are not entitled to vote if they are owned, directly or indirectly, by a second corporation, domestic or foreign, and the first corporation owns, directly or indirectly, a majority of the shares entitled to vote for directors of the second corporation.

(c) Subsection (b) does not limit the power of a corporation to vote any shares, including its own shares, held by it in a fiduciary capacity.

(d) Redeemable shares are not entitled to vote after notice of redemption is mailed to the holders and a sum sufficient to redeem the shares has been deposited with a bank, trust company, or other financial institution under an irrevocable obligation to pay the holders the redemption price on surrender of the shares.

293-A:7.22 Proxies.

(a) A shareholder may vote his shares in person or by proxy.

(b) A shareholder may appoint a proxy to vote or otherwise act for him by signing an appointment form, either personally or by his attorney-in-fact.

(c) An appointment of a proxy is effective when received by the secretary or other officer or agent authorized to tabulate votes. An appointment is valid for 11 months, unless a longer period is expressly provided in the appointment form.

(d) An appointment of a proxy is revocable by the shareholder, unless the appointment form conspicuously states that it is irrevocable and the appointment is coupled with an interest. Appointments coupled with an interest include the appointment of:

(1) a pledgee;

(2) a person who purchased or agreed to purchase the shares;

(3) a creditor of the corporation who extended it credit under terms requiring the appointment;

(4) an employee of the corporation whose employment contract requires the appointment; or

(5) a party to a voting agreement created under RSA 293-A:7.31.

(e) The death or incapacity of the shareholder appointing a proxy does not affect the right of the corporation to accept the proxy's authority unless notice of the death or incapacity is received by the secretary or other officer or agent authorized to tabulate votes before the proxy exercises his authority under the appointment.

(f) An appointment made irrevocable under subsection (d) is revoked when the interest with which it is coupled is extinguished.

(g) A transferee for value of shares subject to an irrevocable appointment may revoke the appointment if he did not know of its existence when he acquired the shares and the existence of the irrevocable appointment was not noted conspicuously on the certificate representing the shares or on the information statement for shares without certificates.



(h) Subject to RSA 293-A:7.24 and to any express limitation on the proxy's authority appearing on the face of the appointment form, a corporation is entitled to accept the proxy's vote or other action as that of the shareholder making the appointment.

293-A:7.23 Shares Held by Nominees.

(a) A corporation may establish a procedure by which the beneficial owner of shares that are registered in the name of a nominee is recognized by the corporation as the shareholder. The extent of this recognition may be determined in the procedure.

(b) the procedure may set forth:

- (1) the types of nominees to which it applies;
- (2) the rights or privileges that the corporation recognizes in a beneficial owner;
- (3) the manner in which the procedure is selected by the nominee;
- (4) the information that must be provided when the procedure is selected;
- (5) the period for which selection of the procedure is effective; and
- (6) other aspects of the rights and duties created.

293-A:7.24 Corporation's Acceptance of Votes.

(a) If the name signed on a vote, consent, waiver, or proxy appointment corresponds to the name of a shareholder, the corporation if acting in good faith is entitled to accept the vote, consent, waiver, or proxy appointment and give it effect as the act of the shareholder.

(b) If the name signed on a vote, consent, waiver, or proxy appointment does not correspond to the name of its shareholder, the corporation if acting in good faith is nevertheless entitled to accept the vote, consent, waiver, or proxy appointment and give it effect as the act of the shareholder if:

- (1) the shareholder is an entity and the name signed purports to be that of an officer or agent of the entity;
- (2) the name signed purports to be that of an administrator, executor, guardian, or conservator representing the shareholder and, if the corporation requests, evidence of fiduciary status acceptable to the corporation has been presented with respect to the vote, consent, waiver, or proxy appointment;
- (3) the name signed purports to be that of a receiver or trustee in bankruptcy of the shareholder and, if the corporation requests, evidence of this status acceptable to the corporation has been presented with respect to the vote, consent, waiver, or proxy appointment;
- (4) the name signed purports to be that of a pledgee, beneficial owner, or attorney-in-fact of the shareholder and, if the corporation requests, evidence acceptable to the corporation of the signatory's authority to sign for the shareholder has been presented with respect to the vote, consent, waiver, or proxy appointment; or
- (5) two or more persons are the shareholder as cotenants or fiduciaries and the name signed purports to be the name of at least one of the co-owners and the person signing appears to be acting on behalf of all the co-owners.

(c) The corporation is entitled to reject a vote, consent, waiver, or proxy appointment if the secretary or other officer or agent authorized to tabulate votes, acting in good faith has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the shareholder.

(d) The corporation and its officer or agent who accepts or rejects a vote, consent, waiver, or proxy appointment in good faith and in accordance with the standards

of this section are not liable in damages to the shareholder for the consequences of the acceptance or rejection.

(e) Corporate action based on the acceptance or rejection of a vote, consent, waiver, or proxy appointment under this section is valid unless a court of competent jurisdiction determines otherwise.

**293-A:7.25 Quorum and Voting Requirements for Voting Groups.**

(a) Shares entitled to vote as a separate voting group may take action on a matter at a meeting only if a quorum of those shares exists with respect to that matter. Unless the articles of incorporation or this chapter provide otherwise, a majority of the votes entitled to be cast on the matter by the voting group constitutes a quorum of that voting group for action on that matter.

(b) Once a share is represented for any purpose at a meeting, it is deemed present for quorum purposes for the remainder of the meeting and for any adjournment of that meeting unless a new record date is or must be set for that adjourned meeting.

(c) If a quorum exists, action on a matter, other than the election of directors, by a voting group is approved if the votes cast within the voting group favoring the action exceed the votes cast opposing the action, unless the articles of incorporation or this chapter require a greater number of affirmative votes.

(d) An amendment of articles of incorporation adding, changing, or deleting a quorum or voting requirement for a voting group greater than specified in subsections (a) or (c) is governed by RSA 293-A:7.27.

(e) The election of directors is governed by RSA 293-A:7.28.

**293-A:7.26 Action by Single and Multiple Voting Groups.**

(a) If the articles of incorporation or this chapter provide for voting by a single voting group on a matter, action on that matter is taken when voted upon by that voting group as provided in RSA 293-A:7.25.

(b) If the articles of incorporation or this chapter provide for voting by 2 or more voting groups on a matter, action on that matter is taken only when voted upon by each of those voting groups counted separately as provided in RSA 293-A:7.25. Action may be taken by one voting group on a matter even though no action is taken by another voting group entitled to vote on the matter.

**293-A:7.27 Greater Quorum or Voting Requirements.**

(a) The articles of incorporation may provide for a greater quorum or voting requirement for shareholders, or voting groups of shareholders, than is provided for by this chapter.

(b) An amendment to the articles of incorporation that adds, changes, or deletes a greater quorum or voting requirement must meet the same quorum requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect or proposed to be adopted, whichever is greater.

**293-A:7.28 Voting for Directors; Cumulative Voting.**

(a) Unless otherwise provided in the articles of incorporation, directors are elected by a plurality of the votes cast by the shares entitled to vote in the election at a meeting at which a quorum is present.

(b) Shareholders do not have a right to cumulate their votes for directors unless the articles of incorporation so provide.

(c) A statement included in the articles of incorporation that "all or a designated voting group of shareholders are entitled to cumulate their votes for directors," or words of similar import, means that the shareholders designated are entitled to multi-

ply the number of votes they are entitled to cast by the number of directors for whom they are entitled to vote and cast the product for a single candidate or distribute the product among 2 or more candidates.

(d) Shares otherwise entitled to vote cumulatively may not be voted cumulatively at a particular meeting unless:

(1) the meeting notice or proxy statement accompanying the notice states conspicuously that cumulative voting is authorized; or

(2) a shareholder who has the right to cumulate his votes gives notice to the corporation not less than 48 hours before the time set for the meeting of his intent to cumulate his votes during the meeting, and if one shareholder gives this notice all other shareholders in the same voting group participating in the election are entitled to cumulate their votes without giving further notice.

### C. Voting Trusts and Agreements

#### 293-A:7.30 Voting Trusts.

(a) One or more shareholders may create a voting trust, conferring on a trustee the right to vote or otherwise act for them, by signing an agreement setting out the provisions of the trust, which may include anything consistent with its purpose, and transferring their shares to the trustee. When a voting trust agreement is signed, the trustee shall prepare a list of the names and addresses of all owners of beneficial interests in the trust, together with the number and class of shares each transferred to the trust, and deliver copies of the list and agreement to the corporation's principal office.

(b) A voting trust becomes effective on the date the first shares subject to the trust are registered in the trustee's name. A voting trust is valid for not more than 10 years after its effective date, unless extended under subsection (c).

(c) All or some of the parties to a voting trust may extend it for additional terms of not more than 10 years each by signing an extension agreement and obtaining the voting trustee's written consent to the extension. An extension is valid for 10 years from the date the first shareholder signs the extension agreement. The voting trustee must deliver copies of the extension agreement and list of beneficial owners to the corporation's principal office. An extension agreement binds only those parties signing it.

#### 293-A:7.31 Voting Agreements.

(a) Two or more shareholders may provide for the manner in which they will vote their shares by signing an agreement for that purpose. A voting agreement created under this section is not subject to the provisions of RSA 293-A:7.30.

(b) A voting agreement created under this section is specifically enforceable.

#### 293-A:7.32 Shareholder Agreements.

(a) An agreement among the shareholders of a corporation that complies with this section is effective among the shareholders and the corporation even though it is inconsistent with one or more other provisions of this chapter in that it:

(1) eliminates the board of directors or restricts the discretion or powers of the board of directors;

(2) governs the authorization or making of distributions whether or not in proportion to ownership of shares, subject to the limitations in RSA 293-A:6.40;

(3) establishes who shall be directors or officers of the corporation, or their terms of office or manner of selection or removal;

(4) governs, in general or in regard to specific matters, the exercise or division of voting power by or between the shareholders and directors or by or among any of them, including use of weighted voting rights or director proxies;

(5) establishes the terms and conditions of any agreement for the transfer or use of property or the provision of services between the corporation and any shareholder, director, officer or employee of the corporation or among any of them;

(6) transfers to one or more shareholders or other persons all or part of the authority to exercise the corporate powers or to manage the business and affairs of the corporation, including the resolution of any issue about which there exists a deadlock among directors or shareholders;

(7) requires dissolution of the corporation at the request of one or more of the shareholders or upon the occurrence of a specified event or contingency; or

(8) otherwise governs the exercise of the corporate powers or the management of the business and affairs of the corporation or the relationship among the shareholders, the directors and the corporation, or among any of them, and is not contrary to public policy.

(b) An agreement authorized by this section shall be;

(1) Set forth: (A) in the articles of incorporation or bylaws and approved by all persons who are shareholders at the time of the agreement; or (B) in a written agreement that is signed by all persons who are shareholders at the time of the agreement and is made known to the corporation.

(2) Subject to amendment only by all persons who are shareholders at the time of the amendment, unless the agreement provides otherwise; and

(3) Valid for 10 years, unless the agreement provides otherwise.

(c) The existence of an agreement authorized by this section shall be noted conspicuously on the front or back of each certificate for outstanding shares or on the information statement as required by RSA 293-A:6.26(b). If at the time of the agreement the corporation has shares outstanding represented by certificates, the corporation shall recall the outstanding certificates and issue substitute certificates that comply with this subsection. The failure to note the existence of the agreement on the certificate or information statement shall not affect the validity of the agreement or any action taken pursuant to it. Any purchaser of shares who, at the time of purchase, did not have knowledge of the existence of the agreement shall be entitled to rescission of the purchase. A purchaser shall be deemed to have knowledge of the existence of the agreement if its existence is noted on the certificate or information statement for the shares in compliance with this subsection and, if the shares are not represented by a certificate, the information statement is delivered to the purchaser at or prior to the time of purchase of the shares. An action to enforce the right of rescission authorized by this subsection must be commenced within the earlier of 90 days after discovery of the existence of the agreement or 2 years after the time of purchase of the shares.

(d) An agreement authorized by this section shall cease to be effective when shares of the corporation are listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association. If the agreement ceases to be effective for any reason, the board of directors may, if the agreement is contained or referred to in the corporation's articles of incorporation or bylaws, adopt an amendment to the articles of incorporation or bylaws, without shareholder action, to delete the agreement and any references to it.



(e) An agreement authorized by this section that limits the discretion or powers of the board of directors shall relieve the directors of, and impose upon the person or persons in whom such discretion or powers are vested, liability for acts or omissions imposed by law on directors to the extent that the discretion or powers of the directors are limited by the agreement.

(f) The existence or performance of an agreement authorized by this section shall not be a ground for imposing personal liability on any shareholder for the acts or debts of the corporation even if the agreement or its performance treats the corporation as if it were a partnership or results in failure to observe the corporate formalities otherwise applicable to the matters governed by the agreement.

(g) Incorporators or subscribers for shares may act as shareholders with respect to an agreement authorized by this section if no shares have been issued when the agreement is made.

#### D. Derivative Proceedings

293-A:7.40 Definitions. For the purposes of this subdivision:

(1) "Derivative proceeding" means a civil suit in the right of a domestic corporation or, to the extent provided in RSA 293-A:7.47, in the right of a foreign corporation.

(2) "Shareholder" includes a beneficial owner whose shares are held in a voting trust or held by a nominee on the beneficial owner's behalf.

293-A:7.41 Standing. A shareholder may not commence or maintain a derivative proceeding unless the shareholder:

(1) was a shareholder of the corporation at the time of the act or omission complained of or became a shareholder through transfer by operation of law from one who was a shareholder at that time; and

(2) fairly and adequately represents the interests of the corporation in enforcing the right of the corporation.

293-A:7.42 Demand. No shareholder may commence a derivative proceeding until:

(1) a written demand has been made upon the corporation to take suitable action; and

(2) ninety days have expired from the date the demand was made unless the shareholder has earlier been notified that the demand has been rejected by the corporation or unless irreparable injury to the corporation would result by waiting for the expiration of the 90-day period.

293-A:7.43 Stay of Proceedings. If the corporation commences an inquiry into the allegations made in the demand or complaint, the court may stay any derivative proceeding for such period as the court deems appropriate.

293-A:7.44 Dismissal.

(a) A derivative proceeding shall be dismissed by the court on motion by the corporation if one of the groups specified in subsections (b) or (f) has determined in good faith after conducting a reasonable inquiry upon which its conclusions are based that the maintenance of the derivative proceeding is not in the best interests of the corporation.

(b) Unless a panel is appointed pursuant to subsection (f), the determination in subsection (a) shall be made by:

(1) a majority vote of independent directors present at a meeting of the board of directors if the independent directors constitute a quorum; or

(2) a majority vote of a committee consisting of 2 or more independent directors appointed by majority vote of independent directors present at a meeting of the board of directors, whether or not such independent directors constituted a quorum.

(c) None of the following shall by itself cause a director to be considered not independent for purposes of this section:

(1) the nomination or election of the director by persons who are defendants in the derivative proceeding or against whom action is demanded;

(2) the naming of the director as a defendant in the derivative proceeding or as a person against whom action is demanded; or

(3) the approval by the director of the act being challenged in the derivative proceeding or demand if the act resulted in no personal benefit to the director.

(d) If a derivative proceeding is commenced after a determination has been made rejecting a demand by a shareholder, the complaint shall allege with particularity facts establishing either:

(1) that a majority of the board of directors did not consist of independent directors at the time the determination was made; or

(2) that the requirements of subsection (a) have not been met.

(e) If a majority of the board of directors does not consist of independent directors at the time the determination is made, the corporation shall have the burden of proving that the requirements of subsection (a) have been met. If a majority of the board of directors consists of independent directors at the time the determination is made, the plaintiff shall have the burden of proving that the requirements of subsection (a) have not been met.

(f) The court may appoint a panel of one or more independent persons upon motion by the corporation to make a determination whether the maintenance of the derivative proceeding is in the best interests of the corporation. In such case, the plaintiff shall have the burden of proving that the requirements of subsection (a) have not been met.

293-A:7.45 Discontinuance or Settlement. A derivative proceeding may not be discontinued or settled without the court's approval. If the court determines that a proposed discontinuance or settlement will substantially affect the interests of the corporation's shareholders or a class of shareholders, the court shall direct that notice be given to the shareholders affected.

293-A:7.46 Payment of Expenses. On termination of the derivative proceeding the court may:

(1) order the corporation to pay the plaintiff's reasonable expenses, including counsel fees, incurred in the proceeding if it finds that the proceeding has resulted in a substantial benefit to the corporation;

(2) order the plaintiff to pay any defendant's reasonable expenses, including counsel fees, incurred in defending the proceeding if it finds that the proceeding was commenced or maintained without reasonable cause or for an improper purpose; or

(3) order a party to pay an opposing party's reasonable expenses, including counsel fees, incurred because of the filing of a pleading, motion or other paper, if it finds that the pleading, motion or other paper was not well-grounded in fact, after reasonable inquiry, or warranted by existing law or a good faith argument for the extension, modification or reversal of existing law and was interposed for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

293-A:7.47 Applicability to Foreign Corporations. In any derivative proceeding in the right of a foreign corporation, the matters covered by this subdivision shall be governed by the laws of the jurisdiction of incorporation of the foreign corporation except for RSA 293-A:7.43, 293-A:7.45 and 293-A:7.46.

#### Directors and Officers

##### A. Board of Directors

293-A:8.01 Requirement for and Duties of Board of Directors.

(a) Except as provided in RSA 293-A:7.32, each corporation shall have a board of directors.

(b) All corporate powers must be exercised by or under the authority of, and the business and affairs of the corporation managed under the direction of, its board of directors, subject to any limitation set forth in the articles of incorporation or in an agreement authorized under RSA 293-A:7.32.

(c) A corporation having 50 or fewer shareholders may dispense with or limit the authority of a board of directors by describing in its articles of incorporation who will perform some or all of the duties of a board of directors.

293-A:8.02 Qualifications of Directors. The articles of incorporation or bylaws may prescribe qualifications for directors. A director need not be a resident of this state or a shareholder of the corporation unless the articles of incorporation or bylaws so prescribe.

293-A:8.03 Number and Election of Directors.

(a) A board of directors must consist of one or more individuals, with the number specified in or fixed in accordance with the articles of incorporation or bylaws.

(b) If a board of directors has power to fix or change the number of directors, the board may increase or decrease by 30 percent or less the number of directors last approved by the shareholders, but only the shareholders may increase or decrease by more than 30 percent the number of directors last approved by the shareholders.

(c) The articles of incorporation or bylaws may establish a variable range for the size of the board of directors by fixing a minimum and maximum number of directors. If a variable range is established, the number of directors may be fixed or changed from time to time, within the minimum and maximum, by the shareholders or the board of directors. After shares are issued, only the shareholders may change the range for the size of the board or change from a fixed to a variable-range size board or vice versa.

(d) Directors are elected at the first annual shareholders' meeting and at each annual meeting thereafter, unless their terms are staggered under RSA 293-A:8.06.

293-A:8.04 Election of Directors by Certain Classes of Shareholders. If the articles of incorporation authorize dividing the shares into classes, the articles may also authorize the election of all or a specified number of directors by the holders of one or more authorized classes of shares. A class, or classes, of shares entitled to elect one or more directors is a separate voting group for purposes of the election of directors.

293-A:8.05 Terms of Directors Generally.

(a) The terms of the initial directors of a corporation expire at the first shareholders' meeting at which directors are elected.

(b) The terms of all other directors expire at the next annual shareholders' meeting following their election unless their terms are staggered under RSA 293-A:8.06.

(c) A decrease in the number of directors does not shorten an incumbent director's term.

(d) The term of a director elected to fill a vacancy expires at the next shareholders' meeting at which directors are elected.

(e) Despite the expiration of a director's term, he continues to serve until his successor is elected and qualified or until there is a decrease in the number of directors.

293-A:8.06 Staggered Terms for Directors. If there are 9 or more directors, the articles of incorporation may provide for staggering their terms by dividing the total number of directors into 2 or 3 groups, with each group containing 1/2 or 1/3 of the total, as near as may be. In that event, the terms of directors in the first group expire at the first annual shareholders' meeting after their election, the terms of the second group expire at the second annual shareholders' meeting after their election, and the terms of the third group, if any, expire at the third annual shareholders' meeting after their election. At each annual shareholders' meeting held thereafter, directors shall be chosen for a term of 2 years or 3 years, as the case may be, to succeed those whose terms expire.

293-A:8.07 Resignation of Directors.

(a) A director may resign at any time by delivering written notice to the board of directors, its chairman, or to the corporation.

(b) A resignation is effective when the notice is delivered unless the notice specifies a later effective date.

293-A:8.08 Removal of Directors by Shareholders.

(a) The shareholders may remove one or more directors with or without cause unless the articles of incorporation provide that directors may be removed only for cause.

(b) If a director is elected by a voting group of shareholders, only the shareholders of that voting group may participate in the vote to remove him.

(c) If cumulative voting is authorized, a director may not be removed if the number of votes sufficient to elect him under cumulative voting is voted against his removal. If cumulative voting is not authorized, a director may be removed only if the number of votes cast to remove him exceeds the number of votes cast not to remove him.

(d) A director may be removed by the shareholders only at a meeting called for the purpose of removing him and the meeting notice must state that the purpose, or one of the purposes, of the meeting is removal of the director.

293-A:8.09 Removal of Directors by Judicial Proceeding.

(a) The superior court of the county where a corporation's principal office, or, if none in this state, its registered office, is located may remove a director of the corporation from office in a proceeding commenced either by the corporation or by its shareholders subject to the provisions of RSA 293-A:7.40 through RSA 293-A:7.47, holding at least 10 percent of the outstanding shares of any class if the court finds that:

(1) The director engaged in fraudulent or illegal conduct with respect to the corporation; and

(2) Removal is in the best interest of the corporation.

(b) The court that removes a director may bar the director from reelection for a period prescribed by the court.

(c) If shareholders commence a proceeding under subsection (a), they shall make the corporation a party defendant.

293-A:8.10 Vacancy on Board.



(a) Unless the articles of incorporation provide otherwise, if a vacancy occurs on a board of directors, including a vacancy resulting from an increase in the number of directors:

(1) The shareholders may fill the vacancy.

(2) The board of directors may fill the vacancy.

(3) If the directors remaining in office constitute fewer than a quorum of the board, they may fill the vacancy by the affirmative vote of a majority of all the directors remaining in office.

(b) If the vacant office was held by a director elected by a voting group of shareholders, only the holders of shares of that voting group are entitled to vote to fill the vacancy if it is filled by the shareholders.

(c) A vacancy that will occur at a specific later date by reason of a resignation effective at a later date under RSA 293-A:8.07(b) or otherwise, may be filled before the vacancy occurs, but the new director may not take office until the vacancy occurs.

293-A:8.11 Compensation of Directors. Unless the articles of incorporation or bylaws provide otherwise, the board of directors may fix the compensation of directors.

#### B. Meetings and Action of the Board

##### 293-A:8.20 Meetings and Action of the Board.

(a) The board of directors may hold regular or special meetings in or out of this state.

(b) Unless the articles of incorporation or bylaws provide otherwise, the board of directors may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

##### 293-A:8.21 Action without Meeting.

(a) Unless the articles of incorporation or bylaws provide otherwise, action required or permitted by this chapter to be taken at a board of directors' meeting may be taken without a meeting if the action is taken by unanimous consent of all members of the board. The action must be evidenced by one or more written consents describing the action taken, signed by each director, and included in the minutes or filed with the corporate records reflecting the action taken.

(b) Action taken under this section is effective when the last director signs the consent, unless the consent specifies a different effective date.

(c) A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

##### 293-A:8.22 Notice of Meeting.

(a) Unless the articles of incorporation or bylaws provide otherwise, regular meetings of the board of directors may be held without notice of the date, time, place, or purpose of the meeting.

(b) Unless the articles of incorporation or bylaws provide for a longer or shorter period, special meetings of the board of directors shall be preceded by at least 2 days' notice of the date, time, and place of the meeting. The notice need not describe the purpose of the special meeting unless required by the articles of incorporation or bylaws.

##### 293-A:8.23 Waiver of Notice.

(a) A director may waive any notice required by this chapter, the articles of incorporation, or bylaws before or after the date and time stated in the notice. Except as provided by subsection (b), the waiver must be in writing, signed by the director entitled to the notice, and filed with the minutes or corporate records.

(b) A director's attendance at or participation in a meeting waives any required notice to him of the meeting unless the director at the beginning of the meeting, or promptly upon his arrival, objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting.

293-A:8.24 Quorum and Voting.

(a) Unless the articles of incorporation or bylaws require a greater number, a quorum of a board of directors consists of either:

(1) A majority of the fixed number of directors if the corporation has a fixed board size.

(2) A majority of the number of directors prescribed, or if no number is prescribed the number in office immediately before the meeting begins, if the corporation has a variable-range size board.

(b) The articles of incorporation or bylaws may authorize a quorum of a board of directors to consist of no fewer than 1/3 of the fixed or prescribed number of directors determined under subsection (a).

(c) If a quorum is present when a vote is taken, the affirmative vote of a majority of directors present is the act of the board of directors, unless the articles of incorporation or bylaws require the vote of a greater number of directors.

(d) A director who is present at a meeting of the board of directors or a committee of the board of directors when corporate action is taken is deemed to have assented to the action taken unless:

(1) he objects at the beginning of the meeting, or promptly upon his arrival, to holding it or transacting business at the meeting;

(2) his dissent or abstention from the action taken is entered in the minutes of the meeting; or

(3) he delivers written notice of his dissent or abstention to the presiding officer of the meeting before its adjournment or to the corporation immediately after adjournment of the meeting. The right of dissent or abstention is not available to a director who votes in favor of the action taken.

293-A:8.25 Committees.

(a) Unless the articles of incorporation or bylaws provide otherwise, a board of directors may create one or more committees and appoint members of the board of directors to serve on them. Each committee must have 2 or more members, who serve at the pleasure of the board of directors.

(b) The creation of a committee and appointment of members to it must be approved by the greater of:

(1) a majority of all the directors in office when the action is taken; or

(2) the number of directors required by the articles of incorporation or bylaws to take action under RSA 293-A:8.24.

(c) RSA 293-A:8.20 through 293-A:8.24, which govern meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements of the board of directors, apply to committees and their members as well.

(d) To the extent specified by the board of directors or in the articles of incorporation or bylaws, each committee may exercise the authority of the board of directors under RSA 293-A:8.01.

(e) A committee may not, however:

- (1) authorize distributions;
- (2) approve or propose to shareholders action that this chapter requires be approved by the shareholders;
- (3) fill vacancies on the board of directors or on any of its committees;
- (4) amend articles of incorporation pursuant to RSA 293-A:10.02;
- (5) adopt, amend, or repeal bylaws;
- (6) approve a plan of merger not requiring shareholder approval;
- (7) authorize or approve reacquisition of shares, except according to a formula or method prescribed by the board of directors; or
- (8) authorize or approve the issuance or sale or contract for sale of shares, or determine the designation and relative rights, preferences, and limitations of a class or series of shares, except that the board of directors may authorize a committee, or a senior executive officer of the corporation, to do so within limits specifically prescribed by the board of directors.

(f) The creation of, delegation of authority to, or action by a committee does not alone constitute compliance by a director with the standards of conduct described in RSA 293-A:8.30.

### C. Standards of Conduct

#### 293-A:8.30 General Standards for Directors.

(a) A director shall discharge his duties as a director, including his duties as a member of a committee:

- (1) in good faith;
- (2) with the care an ordinarily prudent person in a like position would exercise under similar circumstances; and
- (3) in a manner he reasonably believes to be in the best interests of the corporation.

(b) In discharging his duties a director is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

- (1) one or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented;
- (2) legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the person's professional or expert competence; or
- (3) a committee of the board of directors of which he is not a member if the director reasonably believes the committee merits confidence.

(c) A director is not acting in good faith if he has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (b) unwarranted.

(d) A director is not liable for any action taken as a director, or any failure to take any action, if he performed the duties of his office in compliance with this section.

#### 293-A:8.31 Director Conflict of Interest.

(a) A conflict of interest transaction is a transaction with the corporation in which a director of the corporation has a direct or indirect interest. A conflict of interest transaction is not voidable by the corporation solely because of the director's interest in the transaction if any one of the following is true:

- (1) the material facts of the transaction and the director's interest were disclosed or known to the board of directors or a committee of the board of directors or a

committee of the board of directors and the board of directors or committee authorized, approved, or ratified the transaction;

(2) the material facts of the transaction and the director's interest were disclosed or known to the shareholders entitled to vote and they authorized, approved, or ratified the transaction; or

(3) the transaction was fair to the corporation.

(b) For purposes of this section, a director of the corporation has an indirect interest in a transaction if (1) another entity in which he has a material financial interest or in which he is a general partner is a party to the transaction or (2) another entity of which he is a director, officer, or trustee is a party to the transaction and the transaction is or should be considered by the board of directors of the corporation.

(c) For purposes of subsection (a)(1), a conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the directors on the board of directors (or on the committee) who have no direct or indirect interest in the transaction, but a transaction may not be authorized, approved, or ratified under this section by a single director. If a majority of the directors who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subsection (a)(1) if the transaction is otherwise authorized, approved, or ratified as provided in that subsection.

(d) For purposes of subsection (a)(2), a conflict of interest transaction is authorized, approved, or ratified if it receives the vote of a majority of the shares entitled to be counted under this subsection. Shares owned by or voted under the control of a director who has a direct or indirect interest in the transaction, and shares owned by or voted under the control of an entity described in subsection (b)(1), may not be counted in a vote of shareholders to determine whether to authorize, approve, or ratify a conflict of interest transaction under subsection (a)(2). The vote of those shares, however, is counted in determining whether the transaction is approved under other sections of this chapter. A majority of the shares, whether or not present, that are entitled to be counted in a vote on the transaction under this subsection constitutes a quorum for the purpose of taking action under this section.

#### 293-A:8.32 Loans to Directors.

(a) Except as provided by subsection (c), a corporation may not lend money to or guarantee the obligation of a director of the corporation unless:

(1) the particular loan or guarantee is approved by a majority of the votes represented by the outstanding voting shares of all classes, voting as a single voting group, except the votes of shares owned by or voted under the control of the benefited director; or

(2) the corporation's board of directors determines that the loan or guarantee benefits the corporation and either approves the specific loan or guarantee or a general plan authorizing loans and guarantees.

(b) The fact that a loan or guarantee is made in violation of this section does not affect the borrower's liability on the loan.

(c) This section does not apply to loans and guarantees authorized by statute regulating any special class or corporations.

#### 293-A:8.33 Liability for Unlawful Distributions.



(a) A director who votes for or assents to a distribution made in violation of RSA 293-A:6.40 or the articles of incorporation is personally liable to the corporation for the amount of the distribution that exceeds what could have been distributed without violating RSA 293-A:6.40 or the articles of incorporation if it is established that he did not perform his duties in compliance with RSA 293-A:8.30. In any proceeding commenced under this section, a director has all of the defenses ordinarily available to a director.

(b) A director held liable under subsection (a) for an unlawful distribution is entitled to contribution:

(1) from every other director who could be held liable under subsection (a) for the unlawful distribution; and

(2) from each shareholder for the amount the shareholder accepted knowing the distribution was made in violation of RSA 293-A:6.40 or the articles of incorporation.

(c) A proceeding under this section is barred unless it is commenced within 2 years after the date on which the effect of the distribution was measured under RSA 293-A:6.40 (e) or (g).

#### D. Officers

##### 293-A:8.40 Required Officers.

(a) A corporation has the officers described in its bylaws or appointed by the board of directors in accordance with the bylaws.

(b) A duly appointed officer may appoint one or more officers or assistant officers if authorized by the bylaws or the board of directors.

(c) The bylaws or the board of directors shall delegate to one of the officers responsibility for preparing minutes of the directors' and shareholders' meetings and for authenticating records of the corporation.

(d) The same individual may simultaneously hold more than one office in a corporation.

293-A:8.41 Duties of Officers. Each officer has the authority and shall perform the duties set forth in the bylaws or, to the extent consistent with the bylaws, the duties prescribed by the board of directors or by direction of an officer authorized by the board of directors to prescribe the duties of other officers.

##### 293-A:8.42 Standards of Conduct for Officers.

(a) An officer with discretionary authority shall discharge his duties under that authority:

(1) in good faith;

(2) with the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(3) in a manner he reasonably believes to be in the best interests of the corporation.

(b) In discharging his duties an officer is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(1) one or more officers or employees of the corporation whom the officer reasonably believes to be reliable and competent in the matters presented; or

(2) legal counsel, public accountants, or other persons as to matters the officer reasonably believes are within the person's professional or expert competence.

(c) An officer is not acting in good faith if he has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (b) unwarranted.

(d) An officer is not liable for any action taken as an officer, or any failure to take any action, if he performed the duties of his office in compliance with this section.

#### 293-A:8.43 Resignation and Removal of Officers.

(a) An officer may resign at any time by delivering notice to the corporation. A resignation is effective when the notice is delivered unless the notice specifies a later effective date. If a resignation is made effective at a later date and the corporation accepts the future effective date, its board of directors may fill the pending vacancy before the effective date if the board of directors provides that the successor does not take office until the effective date.

(b) A board of directors may remove any officer at any time with or without cause.

#### 293-A:8.44 Contract Rights of Officers.

(a) The appointment of an officer does not itself create contract rights.

(b) An officer's removal does not affect the officer's contract rights, if any, with the corporation. An officer's resignation does not affect the corporation's contract rights, if any, with the officer.

### E. Indemnification

#### 293-A:8.50 Definitions. In this subdivision:

(1) "Corporation" includes any domestic or foreign predecessor entity of a corporation in a merger or other transaction in which the predecessor's existence ceased upon consummation of the transaction.

(2) "Director" means an individual who is or was a director of a corporation or an individual who, while a director of a corporation, is or was serving at the corporation's request as a director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership, joint venture, trust, employee benefit plan, or other enterprise. A director is considered to be serving an employee benefit plan at the corporation's request if his duties to the corporation also impose duties on, or otherwise involve services by, him to the plan or to participants in or beneficiaries of the plan. "Director" includes, unless the context requires otherwise, the estate or personal representative of a director.

(3) "Expenses" include counsel fees.

(4) "Liability" means the obligation to pay a judgment, settlement, penalty, fine, including an excise tax assessed with respect to an employee benefit plan, or reasonable expenses incurred with respect to a proceeding.

(5) "Official capacity" means:

(i) when used with respect to a director, the office of director in a corporation; and

(ii) when used with respect to an individual other than a director, as contemplated in RSA 293-A:8.56, the office in a corporation held by the officer or the employment or agency relationship undertaken by the employee or agent on behalf of the corporation. "Official capacity" does not include service for any other foreign or domestic corporation or any partnership, joint venture, trust, employee benefit plan, or other enterprise.

(6) "Party" includes an individual who was, is, or is threatened to be made a named defendant or respondent in a proceeding.

(7) "Proceeding" means any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative and whether formal or informal.

**293-A:8.51 Authority to Indemnify.**

(a) Except as provided in subsection (d), a corporation may indemnify an individual made a party to a proceeding because he is or was a director, against liability incurred in the proceeding if:

- (1) he conducted himself in good faith; and
- (2) he reasonably believed:

(i) in the case of conduct in his official capacity with the corporation, that his conduct was in its best interests; and

(ii) in all other cases, that his conduct was at least not opposed to its best interests; and

(3) in the case of any criminal proceeding, he had no reasonable cause to believe his conduct was unlawful.

(b) A director's conduct with respect to an employee benefit plan for a purpose he reasonably believed to be in the interests of the participants in and beneficiaries of the plan is conduct that satisfies the requirement of subparagraph (a)(2)(ii).

(c) The termination of a proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent is not, of itself, determinative that the director did not meet the standard of conduct described in this section.

(d) A corporation may not indemnify a director under this section:

(1) in connection with a proceeding by or in the right of the corporation in which the director was adjudged liable to the corporation; or

(2) in connection with any other proceeding charging improper personal benefit to him, whether or not involving action in his official capacity, in which he was adjudged liable on the basis that personal benefit was improperly received by him.

(e) Indemnification permitted under this section in connection with a proceeding by or in the right of the corporation is limited to reasonable expenses incurred in connection with the proceeding.

**293-A:8.52 Mandatory Indemnification.** Unless limited by its articles of incorporation, a corporation shall indemnify a director who was wholly successful, on the merits or otherwise, in the defense of any proceeding to which he was a party because he is or was a director of the corporation against reasonable expenses incurred by him in connection with the proceeding.

**293-A:8.53 Advance for Expenses.**

(a) A corporation may pay for or reimburse the reasonable expenses incurred by a director who is a party to a proceeding in advance of final disposition of the proceeding if:

(1) the director furnishes the corporation a written affirmation of his good faith belief that he has met the standard of conduct described in RSA 293-A:8.51;

(2) the director furnishes the corporation a written undertaking, executed personally or on his behalf, to repay the advance if it is ultimately determined that he did not meet the standard of conduct; and

(3) a determination is made that the facts then known to those making the determination would not preclude indemnification under this subdivision.

(b) The undertaking required by subparagraph (a)(2) must be an unlimited general obligation of the director but need not be secured and may be accepted without reference to financial ability to make repayment.

(c) Determinations and authorizations of payments under this section shall be made in the manner specified in RSA 293-A:8.55.

293-A:8.54 Court-Ordered Indemnification. Unless a corporation's articles of incorporation provide otherwise, a director of the corporation who is a party to a proceeding may apply for indemnification to the court conducting the proceeding or to another court of competent jurisdiction. On receipt of an application, the court after giving any notice the court considers necessary may order indemnification if it determines:

(1) the director is entitled to mandatory indemnification under RSA 293-A:8.52, in which case the court shall also order the corporation to pay the director's reasonable expenses incurred to obtain court-ordered indemnification; or

(2) the director is fairly and reasonably entitled to indemnification in view of all the relevant circumstances, whether or not he met the standard of conduct set forth in RSA 293-A:8.51 or was adjudged liable as described in RSA 293-A:8.51(d), but if he was adjudged so liable his indemnification is limited to reasonable expenses incurred.

293-A:8.55 Determination and Authorization of Indemnification.

(a) A corporation may not indemnify a director under RSA 293-A:8.51, unless authorized in the specific case after a determination has been made that indemnification of the director is permissible in the circumstances because he has met the standard of conduct set forth in RSA 293-A:8.51.

(b) The determination shall be made:

(1) by the board of directors by majority vote of a quorum consisting of directors not at the time parties to the proceeding;

(2) if a quorum cannot be obtained under subparagraph (b)(1) by majority vote of a committee duly designated by the board of directors, in which designation directors who are parties may participate, consisting solely of 2 or more directors not at the time parties to the proceeding;

(3) by special legal counsel:

(i) selected by the board of directors or its committee in the manner prescribed in subparagraphs (1) or (2); or

(ii) if a quorum of the board of directors cannot be obtained under subparagraph (b)(3)(i) and a committee cannot be designated under subparagraph (b)(2), selected by majority vote of the full board of directors in which selection directors who are parties may participate.

(4) by the shareholders, but shares owned by or voted under the control of directors who are at the time parties to the proceeding may not be voted on the determination.

(c) Authorization of indemnification and evaluation as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible, except that if the determination is made by special legal counsel, authorization of indemnification and evaluation as to reasonableness of expenses shall be made by those entitled under subparagraph (b)(3) to select counsel.

293-A:8.56 Indemnification of Officers, Employees, and Agents. Unless a corporation's articles of incorporation provide otherwise:

(1) an officer of the corporation who is not a director is entitled to mandatory indemnification under RSA 293-A:8.52, and is entitled to apply for court-ordered indemnification under RSA 293-A:8.54, in each case to the same extent as a director;



(2) the corporation may indemnify and advance expenses under this subdivision to an officer, employee or agent of the corporation who is not a director, to the same extent as to a director; and

(3) a corporation may also indemnify and advance expenses to an officer, employee, or agent who is not a director to the extent, consistent with public policy, that may be provided by its articles of incorporation, bylaws, general or specific action of its board of directors, or contract.

293-A:8.57 Insurance. A corporation may purchase and maintain insurance on behalf of an individual who is or was a director, officer, employee, or agent of the corporation, or who, while a director, officer, employee, or agent of the corporation, is or was serving at the request of the corporation as a director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership, joint venture, trust, employee benefit plan, or other enterprise, against liability asserted against or incurred by him in that capacity or arising from his status as a director, officer, employee, or agent, whether or not the corporation would have power to indemnify him against the same liability under RSA 293-A:8.51 or 293-A:8.52.

293-A:8.58 Application of this subdivision.

(a) A provision treating a corporation's indemnification of or advance for expenses to directors that is contained in its articles of incorporation, bylaws, a resolution of its shareholders or board of directors, or in a contract or otherwise, is valid only if and to the extent the provision is consistent with this subdivision. If articles of incorporation limit indemnification or advance for expenses, indemnification and advance for expenses are valid only to the extent consistent with the articles.

(b) This subdivision does not limit a corporation's power to pay or reimburse expenses incurred by a director in connection with his appearance as a witness in a proceeding at a time when he has not been made a named defendant or respondent to the proceeding.

293-A:9.00 (Reserved)

## Amendment of Articles of Incorporation and Bylaws

### A. Amendment of Articles of Incorporation

293-A:10.01 Authority to Amend.

(a) A corporation may amend its articles of incorporation at any time to add or change a provision that is required or permitted in the articles of incorporation or to delete a provision not required in the articles of incorporation. Whether a provision is required or permitted in the articles of incorporation is determined as of the effective date of the amendment.

(b) A shareholder of the corporation does not have a vested property right resulting from any provision in the articles of incorporation, including provisions relating to management, control, capital structure, dividend entitlement, or purpose or duration of the corporation.

293-A:10.02 Amendment by Board of Directors. Unless the articles of incorporation provide otherwise, a corporation's board of directors may adopt one or more amendments to the corporation's articles of incorporation without shareholder action:

(1) to extend the duration of the corporation if it was incorporated at a time when limited duration was required by law;

(2) to delete the names and addresses of the initial directors;

(3) to delete the name and address of the initial registered agent or registered office, if a statement of change is on file with the secretary of state;

(4) to change each issued and unissued authorized share of an outstanding class into a greater number of whole shares if the corporation has only shares of that class outstanding;

(5) to change the corporate name by substituting the word "corporation," "incorporated," "company," "limited," or the abbreviation "corp.," "inc.," "co.," or "Ltd.," for a similar word or abbreviation in the name, or by adding, deleting, or changing a geographical attribution for the name; or

(6) to make any other change expressly permitted by this chapter to be made without shareholder action.

#### 293-A:10.03 Amendment by Board of Directors and Shareholders.

(a) A corporation's board of directors may propose one or more amendments to the articles of incorporation for submission to the shareholders.

(b) For the amendment to be adopted:

(1) The board of directors shall recommend the amendment to the shareholders unless the board of directors determines that because of conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the shareholders with the amendment; and

(2) The shareholders entitled to vote on the amendment shall approve the amendment as provided in subsection (e).

(c) The board of directors may condition its submission of the proposed amendment on any basis.

(d) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with RSA 293-A:7.05. The notice of meeting shall also state that the purpose, or one of the purposes, of the meeting is to consider the proposed amendment and contain or be accompanied by a copy or summary of the amendment.

(e) Unless this chapter, the articles of incorporation, or the board of directors, acting pursuant to subsection (c), require a greater vote or a vote by voting groups, the amendment to be adopted shall be approved by:

(1) A majority of the votes entitled to be cast on the amendment by any voting group with respect to which the amendment would create dissenters' rights; and

(2) The votes required by RSA 293-A:7.25 and 293-A:7.26 by every other voting group entitled to vote on the amendment.

#### 293-A:10.04 Voting on Amendments by Voting Groups.

(a) The holders of the outstanding shares of a class are entitled to vote as a separate voting group, if shareholder voting is otherwise required by this chapter, on a proposed amendment if the amendment would:

(1) increase or decrease the aggregate number of authorized shares of the class;

(2) effect an exchange or reclassification of all or part of the shares of the class into shares of another class;

(3) effect an exchange or reclassification, or create the right of exchange, of all or part of the shares of another class into shares of the class;

(4) change the designation, rights, preferences, or limitations of all or part of the shares of the class;

(5) change the shares of all or part of the class into a different number of shares of the same class;

(6) create a new class of shares having rights or preferences with respect to distributions or to dissolution that are prior, superior, or substantially equal to the shares of the class;

(7) increase the rights, preferences, or number of authorized shares of any class that, after giving effect to the amendment, have rights or preferences with respect to distributions or to dissolution that are prior, superior, or substantially equal to the shares of the class;

(8) limit or deny an existing preemptive right of all or part of the shares of the class; or

(9) cancel or otherwise affect rights to distributions or dividends that have accumulated but not yet been declared on all or part of the shares of the class.

(b) If a proposed amendment would affect a series of a class of shares in one or more of the ways described in subsection (a), the shares of that series are entitled to vote as a separate voting group on the proposed amendment.

(c) If a proposed amendment that entitles 2 or more series of shares to vote as separate voting groups under this section would affect those 2 or more series in the same or a substantially similar way, the shares of all the series so affected shall vote together as a single voting group on the proposed amendment.

(d) A class or series of shares is entitled to the voting rights granted by this section although the articles of incorporation provide that the shares are nonvoting shares.

293-A:10.05 Amendment Before Issuance of Shares. If a corporation has not yet issued shares, its incorporators or board of directors may adopt one or more amendments to the corporation's articles of incorporation.

293-A:10.06 Articles of Amendment. A corporation amending its articles of incorporation shall deliver to the secretary of state for filing articles of amendment setting forth:

(1) The name of the corporation.

(2) The text of each amendment adopted.

(3) If an amendment provides for an exchange, reclassification, or cancellation of issued shares, provisions for implementing the amendment if not contained in the amendment itself.

(4) The date of each amendment's adoption.

(5) If an amendment was adopted by the incorporators or board of directors without shareholder action, a statement to that effect and that shareholder action was not required.

(6) If an amendment was approved by the shareholders:

(i) The designation, number of outstanding shares, number of votes entitled to be cast by each voting group entitled to vote separately on the amendment, and number of votes of each voting group indisputably represented at the meeting.

(ii) Either the total number of votes cast for and against the amendment by each voting group entitled to vote separately on the amendment or the total number of undisputed votes cast for the amendment by each voting group and a statement that the number cast for the amendment by each voting group was sufficient for approval by that voting group.

293-A:10.07 Restated Articles of Incorporation.

(a) A corporation's board of directors may restate its articles of incorporation at any time with or without shareholder action.

(b) The restatement may include one or more amendments to the articles. If the restatement includes an amendment requiring shareholder approval, it shall be adopted as provided in RSA 293-A:10.03.

(c) If the board of directors submits a restatement for shareholder action, the corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with RSA 293-A:7.05. The notice shall also state that the purpose, or one of the purposes, of the meeting is to consider the proposed restatement and contain or be accompanied by a copy of the restatement that identifies any amendment or other change it would make in the articles.

(d) A corporation restating its articles of incorporation shall deliver to the secretary of state for filing articles of restatement setting forth the name of the corporation and the text of the restated articles of incorporation together with a certificate setting forth:

(1) whether the restatement contains an amendment to the articles requiring shareholder approval and, if it does not, that the board of directors adopted the restatement; or

(2) if the restatement contains an amendment to the articles requiring shareholder approval, the information required by RSA 293-A:10.06.

(e) Duly adopted restated articles of incorporation supersede the original articles of incorporation and all amendments to them.

(f) The secretary of state may certify restated articles of incorporation, as the articles of incorporation currently in effect, without including the certificate information required by subsection (d).

**293-A:10.08 Amendment Pursuant to Reorganization.**

(a) A corporation's articles of incorporation may be amended without action by the board of directors or shareholders to carry out a plan of reorganization ordered or decreed by a court of competent jurisdiction under federal statute if the articles of incorporation after amendment contain only provisions required or permitted by RSA 293-A:2.02.

(b) The individual or individuals designated by the court shall deliver to the secretary of state for filing articles of amendment setting forth:

(1) The name of the corporation.

(2) The text of each amendment approved by the court.

(3) The date of the court's order or decree approving the articles of amendment.

(4) The title of the reorganization proceeding in which the order or decree was entered.

(5) A statement that the court had jurisdiction of the proceeding under federal statute.

(c) Shareholders of a corporation undergoing reorganization do not have dissenters' rights, except as and to the extent provided in the reorganization plan.

(d) This section does not apply after entry of a final decree in the reorganization proceeding even though the court retains jurisdiction of the proceeding for limited purposes unrelated to consummation of the reorganization plan.

**293-A:10.09 Effect of Amendment.** An amendment to articles of incorporation does not affect a cause of action existing against or in favor of the corporation, a proceeding to which the corporation is a party, or the existing rights of persons other than shareholders of the corporation. An amendment changing a corporation's name does not abate a proceeding brought by or against the corporation in its former name.



### B. Amendment of Bylaws

#### 293-A:10.20 Amendment by Board of Directors or Shareholders.

(a) A corporation's board of directors may amend or repeal the corporation's bylaws unless:

(1) The articles of incorporation or this chapter reserve this power exclusively to the shareholders in whole or part; or

(2) The shareholders in amending or repealing a particular bylaw provide expressly that the board of directors shall not amend or repeal that bylaw.

(b) A corporation's shareholders may amend or repeal the corporation's bylaws even though the bylaws may also be amended or repealed by its board of directors.

#### 293-A:10.21 Bylaw Increasing Quorum or Voting Requirement for Shareholders.

(a) If authorized by the articles of incorporation, the shareholders may adopt or amend a bylaw that fixes a greater quorum or voting requirement for shareholders, or voting groups of shareholders, than is required by this chapter. The adoption or amendment of a bylaw that adds, changes, or deletes a greater quorum or voting requirement for shareholders shall meet the same quorum requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirement then in effect or proposed to be adopted, whichever is greater.

(b) A bylaw that fixes a greater quorum or voting requirement for shareholders under subsection (a) shall not be adopted, amended, or repealed by the board of directors.

#### 293-A:10.22 Bylaw Increasing Quorum or Voting Requirement for Directors.

(a) A bylaw that fixes a greater quorum or voting requirement for the board of directors may be amended or repealed:

(1) If originally adopted by the shareholders, only by the shareholders.

(2) If originally adopted by the board of directors, either by the shareholders or by the board of directors.

(b) A bylaw adopted or amended by the shareholders that fixes a greater quorum or voting requirement for the board of directors may provide that it shall be amended or repealed only by a specified vote of either the shareholders or the board of directors.

(c) Action by the board of directors under subparagraph (a)(2) to adopt or amend a bylaw that changes the quorum or voting requirement for the board of directors shall meet the same quorum requirement and be adopted by the same vote required to take action under the quorum and voting requirement then in effect or proposed to be adopted, whichever is greater.

### Merger and Share Exchange

#### 293-A:11.01 Merger.

(a) One or more corporations may merge into another corporation if the board of directors of each corporation adopts and its shareholders, if required by RSA 293-A:11.03, approve a plan of merger.

(b) The plan of merger shall set forth:

(1) The name of each corporation planning to merge and the name of the surviving corporation into which each other corporation plans to merge.

(2) The terms and conditions of the merger.

(3) The manner and basis of converting the shares of each corporation into shares, obligations, or other securities of the surviving or any other corporation or into cash or other property in whole or part.

(c) The plan of merger may set forth:

- (1) Amendments to the articles of incorporation of the surviving corporation.
- (2) Other provisions relating to the merger.

293-A:11.02 Share Exchange.

(a) A corporation may acquire all of the outstanding shares of one or more classes or series of another corporation if the board of directors of each corporation adopts and its shareholders, if required by RSA 293-A:124, approve the exchange.

(b) The plan of exchange shall set forth:

(1) The name of the corporation whose shares will be acquired and the name of the acquiring corporation.

(2) The terms and conditions of the exchange.

(3) The manner and basis of exchanging the shares to be acquired for shares, obligations, or other securities of the acquiring or any other corporation or for cash or other property in whole or part.

(c) The plan of exchange may set forth other provisions relating to the exchange.

(d) This section does not limit the power of a corporation to acquire all or part of the shares of one or more classes or series of another corporation through a voluntary exchange or otherwise.

293-A:11.03 Action on Plan.

(a) After adopting a plan of merger or share exchange, the board of directors of each corporation party to the merger, and the board of directors of the corporation whose shares will be acquired in the share exchange, shall submit the plan of merger, except as provided in subsection (g), or share exchange for approval by its shareholders.

(b) For a plan of merger or share exchange to be approved:

(1) The board of directors shall recommend the plan of merger or share exchange to the shareholders, unless the board of directors determines that because of conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the shareholders with the plan; and

(2) The shareholders entitled to vote shall approve the plan.

(c) The board of directors may condition its submission of the proposed merger or share exchange on any basis.

(d) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with RSA 293-A:7.05. The notice shall also state that the purpose, or one of the purposes, of the meeting is to consider the plan of merger or share exchange and contain or be accompanied by a copy or summary of the plan.

(e) Unless this chapter, the articles of incorporation, or the board of directors, acting pursuant to subsection (c) require a greater vote or a vote by voting groups, the plan of merger or share exchange to be authorized shall be approved by each voting group entitled to vote separately on the plan by a majority of all the votes entitled to be cast on the plan by that voting group.

(f) Separate voting by voting groups is required:

(1) On a plan of merger if the plan contains a provision that, if contained in a proposed amendment to articles of incorporation, would require action by one or more separate voting groups on the proposed amendment under RSA 293-A:10.04.

(2) On a plan of share exchange by each class or series to shares included in the exchange, with each class or series constituting a separate voting group.

(g) Action by the shareholders of the surviving corporation on a plan of merger is not required if:

(1) The articles of incorporation of the surviving corporation will not differ, except for amendments enumerated in RSA 293-A:10.02, from its articles before the merger.

(2) Each shareholder of the surviving corporation whose shares were outstanding immediately before the effective date of the merger will hold the same number of shares, with identical designations, preferences, limitations, and relative rights, immediately after.

(3) The number of voting shares outstanding immediately after the merger, plus the number of voting shares issuable as a result of the merger, either by the conversion of securities issued pursuant to the merger or the exercise of rights and warrants issued pursuant to the merger, will not exceed by more than 20 percent the total number of voting shares of the surviving corporation outstanding immediately before the merger.

(4) The number of participating shares outstanding immediately after the merger, plus the number of participating shares issuable as a result of the merger, either by the conversion of securities issued pursuant to the merger or the exercise of rights and warrant issued pursuant to the merger, will not exceed by more than 20 percent the total number of participating shares outstanding immediately before the merger.

(h) As used in subsection (g):

(1) "Participating shares" means shares that entitle their holders to participate without limitation in distributions.

(2) "Voting shares" means shares that entitle their holders to vote unconditionally in elections of directors.

(i) After a merger or share exchange is authorized, and at any time before articles of merger or share exchange are filed, the planned merger or share exchange may be abandoned, subject to any contractual rights, without further shareholder action, in accordance with the procedure set forth in the plan of merger or share exchange or, if none is set forth, in the manner determined by the board of directors.

#### 293-A:11.04 Merger of Subsidiary.

(a) A parent corporation owning at least 90 percent of the outstanding shares of each class of a subsidiary corporation may merge the subsidiary into itself without approval of the shareholders of the parent or subsidiary.

(b) The board of directors of the parent shall adopt a plan of merger that sets forth:

(1) The names of the parent and subsidiary.

(2) The manner and basis of converting the shares of the subsidiary into shares, obligations, or other securities of the parent or any other corporation or into cash or other property in whole or part.

(c) The parent shall mail a copy or summary of the plan of merger to each shareholder of the subsidiary who does not waive the mailing requirement in writing.

(d) The parent shall not deliver articles of merger to the secretary of state for filing until at least 30 days after the date it mailed a copy of the plan of merger to each shareholder of the subsidiary who did not waive the mailing requirement.

(e) Articles of merger under this section shall not contain amendments the articles of incorporation of the parent corporation, except for amendments enumerated in RSA 293-A:10.02.

#### 293-A:11.05 Articles of Merger or Share Exchange.

(a) After a plan of merger or share exchange is approved by the shareholders, or adopted by the board of directors if shareholder approval is not required, the surviving or acquiring corporation shall deliver to the secretary of state for filing articles of merger or share exchange setting forth:

(1) The plan of merger or share exchange.

(2) If shareholder approval was not required, a statement to that effect.

(3) If approval of the shareholders of one or more corporations party to the merger or share exchange was required:

(i) The designation, number of outstanding shares, and number of votes entitled to be cast by each voting group entitled to vote separately on the plan as to each corporation; and

(ii) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group.

(b) A merger or share exchange takes effect upon the effective date of the articles of merger or share exchange.

#### 293-A:11.06 Effect of Merger or Share Exchange.

(a) When a merger takes effect:

(1) Every other corporation party to the merger merges into the surviving corporation and the separate existence of every corporation except the surviving corporation ceases.

(2) The title to all real estate and other property owned by each corporation party to the merger is vested in the surviving corporation without reversion or impairment.

(3) The surviving corporation has all liabilities of each corporation party to the merger.

(4) A proceeding pending against any corporation party to the merger may be continued as if the merger did not occur or the surviving corporation may be substituted in the proceeding for the corporation whose existence ceased.

(5) The articles of incorporation of the surviving corporation are amended to the extent provided in the plan of merger.

(6) The shares of each corporation party to the merger that are to be converted into shares, obligations, or other securities of the surviving or any other corporation or into cash or other property are converted, and the former holders of the shares are entitled only to the rights provided in the articles of merger or to their rights under RSA 293-A:13.01 through 293-A:13.31.

(b) When a share exchange takes effect, the shares of each acquired corporation are exchanged as provided in the plan, and the former holders of the shares are entitled only to the exchange rights provided in the articles of share exchange or to their rights under RSA 293-A:13.01 through RSA 293-A:13.31.

#### 293-A:11.07 Merger or Share Exchange with Foreign Corporation.

(a) One or more foreign corporations may merge or enter into a share exchange with one or more domestic corporations if:

(1) In a merger, the merger is permitted by the law of the state or country under whose law each foreign corporation is incorporated and each foreign corporation complies with that law in effecting the merger.



(2) In a share exchange, the corporation whose shares will be acquired is a domestic corporation, whether or not a share exchange is permitted by the law of the state or country under whose law the acquiring corporation is incorporated.

(3) The foreign corporation complies with RSA 293-A:11.05 if it is the surviving corporation of the merger or acquiring corporation of the share exchange.

(4) Each domestic corporation complies with the applicable provisions of RSA 293-A:11.01 through 293-A:11.04 and, if it is the surviving corporation of the merger or acquiring corporation of the share exchange, with RSA 293-A:11.05.

(b) Upon the merger or share exchange taking effect, the surviving foreign corporation of a merger and the acquiring foreign corporation of a share exchange is deemed:

(1) To appoint the secretary of state as its agent for service of process in a proceeding to enforce any obligation or the rights of dissenting shareholders of each domestic corporation party to the merger or share exchanges; and

(2) To agree that it will promptly pay to the dissenting shareholders of each domestic corporation party to the merger or share exchange the amount, if any, to which they are entitled under RSA 293-A:13.01 through 293-A:13.31.

(c) This section does not limit the power of a foreign corporation to acquire all or part of the shares of one or more classes or series of a domestic corporation through a voluntary exchange or otherwise.

#### Sale of Assets

293-A:12.01 Sale of Assets in Regular Course of Business and Mortgage of Assets.

(a) A corporation, on the terms and conditions and for the consideration determined by the board of directors, may:

(1) Sell, lease, exchange, or otherwise dispose of all, or substantially all, of its property in the usual and regular course of business.

(2) Mortgage, pledge, dedicate to the repayment of indebtedness, whether with or without recourse, or otherwise encumber any or all of its property whether or not in the usual and regular course of business.

(3) Transfer any or all of its property to a corporation all the shares of which are owned by the corporation.

(b) Unless the articles of incorporation require it, approval by the shareholders of a transaction described in subsection (a) is not required.

293-A:12.02 Sale of Assets Other Than in Regular Course of Business.

(a) A corporation may sell, lease, exchange, or otherwise dispose of all, or substantially all, of its property, with or without the good will, otherwise than in the usual and regular course of business, on the terms and conditions and for the consideration determined by the corporation's board of directors, if the board of directors proposes and its shareholders approve the proposed transaction.

(b) For a transaction to be authorized:

(1) The board of directors shall recommend the proposed transaction to the shareholders unless the board of directors determines that because of conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the shareholders with the submission of the proposed transaction; and

(2) The shareholders entitled to vote shall approve the transaction.

(c) The board of directors may condition its submission of the proposed transaction on any basis.

(d) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with RSA 293-A:7.05. The notice shall also state that the purpose, or one of the purposes, of the meeting is to consider the sale, lease, exchange, or other disposition of all, or substantially all, the property of the corporation and contain or be accompanied by a description of the transaction.

(e) Unless the articles of incorporation or the board of directors, acting pursuant to subsection (c) require a greater vote or a vote by voting groups, the transaction to be authorized shall be approved by a majority of all the votes entitled to be cast on the transaction.

(f) After a sale, lease, exchange, or other disposition of property is authorized, the transaction may be abandoned, subject to any contractual rights, without further shareholder action.

(g) A transaction that constitutes a distribution is governed by RSA 293-A:6.40 and not by this section.

### Dissenters' Rights

#### A. Right to Dissent and Obtain Payment for Shares

293-A:13.01 Definitions. In this subdivision:

(1) "Corporation" means the issuer of the shares held by a dissenter before the corporate action, or the surviving or acquiring corporation by merger or share exchange of that issuer.

(2) "Dissenter" means a shareholder who is entitled to dissent from corporate action under RSA 293-A:13.02 and who exercises that right when and in the manner required by RSA 293-A:13.20 through 293-A:13.28.

(3) "Fair value," with respect to a dissenter's shares, means the value of the shares immediately before the effectuation of the corporate action to which the dissenter objects, excluding any appreciation or depreciation in anticipation of the corporate action, unless exclusion would be inequitable.

(4) "Interest" means interest from the effective date of the corporate action until the date of payment, at the average rate currently paid by the corporation on its principal bank loans or, if none, at a rate that is fair and equitable under all the circumstances.

(5) "Record shareholder" means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.

(6) "Beneficial shareholder" means the person who is a beneficial owner of shares held in a voting trust or by a nominee as the record shareholder.

(7) "Shareholder" means the record shareholder or the beneficial shareholder.

293-A:13.02 Right to Dissent.

(a) A shareholder is entitled to dissent from, and obtain payment of the fair value of his shares in the event of, any of the following corporate actions:

(1) Consummation of a plan of merger to which the corporation is a party:

(i) If shareholder approval is required for the merger by RSA 293-A:11.03 or the articles of incorporation and the shareholder is entitled to vote on the merger; or

(ii) If the corporation is a subsidiary that is merged with its parent under RSA 293-A:11.04.

(2) Consummation of a plan of share exchange to which the corporation is a party as the corporation whose shares will be acquired, if the shareholder is entitled to vote on the plan.

(3) Consummation of a sale or exchange of all, or substantially all, of the property of the corporation other than in the usual and regular course of business, if the shareholder is entitled to vote on the sale or exchange, including a sale in dissolution, but not including a sale pursuant to court order or a sale for cash pursuant to a plan by which all or substantially all of the net proceeds of the sale will be distributed to the shareholders within one year after the date of sale.

(4) An amendment of the articles of incorporation that materially and adversely affects rights in respect of a dissenter's shares because it:

(i) Alters or abolishes a preferential right of the shares

(ii) Creates, alters, or abolishes a right in respect of redemption, including a provision respecting a sinking fund for the redemption or repurchase, of the shares.

(iii) Alters or abolishes a preemptive right of the holder of the shares to acquire shares or other securities.

(iv) Excludes or limits the right of the shares to vote on any matter, or to cumulate votes, other than a limitation by dilution through issuance of shares or other securities with similar voting rights.

(v) Reduces the number of shares owned by the shareholder to a fraction of a share if the fractional share so created is to be acquired for cash under RSA 293-A:6.04.

(5) Any corporate action taken pursuant to a shareholder vote to the extent the articles of incorporation, bylaws, or a resolution of the board of directors provides that voting or nonvoting shareholders are entitled to dissent and obtain payment for their shares.

(b) A shareholder entitled to dissent and obtain payment for his shares under this subdivision shall not challenge the corporate action creating his entitlement, unless the action is unlawful or fraudulent with respect to the shareholder or the corporation.

293-A:13.03 Dissent by Nominees and Beneficial Owners.

(a) A record shareholder may assert dissenters' rights as to fewer than all the shares registered in his name only if he dissents with respect to all shares beneficially owned by any one person and notifies the corporation in writing of the name and address of each person on whose behalf he asserts dissenters' rights. The rights of a partial dissenter under this subsection are determined as if the shares as to which he dissents and his other shares were registered in the names of different shareholders.

(b) A beneficial shareholder may assert dissenters' rights as to shares held on his behalf only if:

(1) He submits to the corporation the record shareholder's written consent to the dissent not later than the time the beneficial shareholder asserts dissenters' rights; and

(2) He does so with respect to all shares of which he is the beneficial shareholder or over which he has power to direct the vote.

#### B. Procedure for Exercise of Dissenters' Rights

293-A:13.20 Notice of Dissenters' Rights.

(a) If proposed corporate action creating dissenters' rights under RSA 293-A:13.02 is submitted to a vote at a shareholders' meeting, the meeting notice shall

state that shareholders are or may be entitled to assert dissenters' rights under this subdivision and be accompanied by a copy of this subdivision.

(b) If corporate action creating dissenters' rights under RSA 293-A:13.02 is taken without a vote of shareholders or by consent pursuant to RSA 293-A:7.04, the corporation shall notify in writing all shareholders entitled to assert dissenters' rights that the action was taken and send them the dissenters' notice described in RSA 293-A:13.22.

293-A:13.21 Notice of Intent to Demand Payment.

(a) If proposed corporate action creating dissenters' rights under RSA 293-A:13.02 is submitted to a vote at a shareholders' meeting, a shareholder who wishes to assert dissenters' rights:

(1) Shall deliver to the corporation before the vote is taken written notice of his intent to demand payment for his shares if the proposed action is effectuated; and

(2) Shall not vote his shares in favor of the proposed action.

(b) A shareholder who does not satisfy the requirements of subsection (a) is not entitled to payment for his shares under this subdivision.

293-A:13.22 Dissenters' Notice.

(a) If proposed corporate action creating dissenters' rights under RSA 293-A:13.02 is authorized at a shareholders' meeting, the corporation shall deliver a written dissenters' notice to all shareholders who satisfied the requirements of RSA 293-A:13.21.

(b) The dissenters' notice shall be sent no later than 10 days after corporate action was taken, and shall:

(1) State where the payment demand shall be sent and where and when certificates for certificated shares shall be deposited.

(2) Inform holders of uncertificated shares to what extent transfer of the shares will be restricted after the payment demand is received.

(3) Supply a form for demanding payment that includes the date of the first announcement to news media or to shareholders of the terms of the proposed corporate action and requires that the person asserting dissenters' rights certify whether or not the acquired beneficial ownership of the shares before that date.

(4) Set a date by which the corporation shall receive the payment demand, which date shall not be fewer than 30 nor more than 60 days after the date the notice is delivered.

(5) Be accompanied by a copy of this subdivision.

293-A:13.23 Duty to Demand Payment.

(a) A shareholder sent a dissenters' notice described in RSA 293-A:13.22 shall demand payment, certify whether he acquired beneficial ownership of the shares before the date required to be set forth, in the dissenter's notice pursuant to RSA 293-A:13.22 (b)(3), and deposit his certificates in accordance with the terms of the notice.

(b) The shareholder who demands payment and deposits his share certificates under subsection (a) retains all other rights of a shareholder until these rights are cancelled or modified by the taking of the proposed corporate action.

(c) A shareholder who does not demand payment or deposit his share certificates where required, each by the date set in the dissenters' notice, is not entitled to payment for his shares under this subdivision.

293-A:13.24 Share Restrictions.



(a) The corporation may restrict the transfer of uncertificated shares from the date the demand for their payment is received until the proposed corporate action is taken or the restrictions released under RSA 293-A:13.26.

(b) The person for whom dissenters' rights are asserted as to uncertificated shares retains all other rights of a shareholder until these rights are cancelled or modified by the taking of the proposed corporate action.

293-A:13.25 Payment.

(a) Except as provided in RSA 293-A:13.27, as soon as the proposed corporate action is taken, or upon receipt of a payment demand, the corporation shall pay each dissenter who complied with RSA 293-A:13.23 the amount the corporation estimates to be the fair value of his shares, plus accrued interest.

(b) The payment shall be accompanied by:

(1) The corporation's balance sheet as of the end of a fiscal year ending not more than 16 months before the date of payment, an income statement for that year, a statement of changes in shareholders' equity for that year, and the latest available interim financial statements, if any;

(2) A statement of the corporation's estimate of the fair value of the shares;

(3) An explanation of how the interest was calculated;

(4) A statement of the dissenter's right to demand payment under RSA 293-A:13.28; and

(5) A copy of this subdivision.

293-A:13.26 Failure to Take Action.

(a) If the corporation does not take the proposed action within 60 days after the date set for demanding payment and depositing share certificates, the corporation shall return the deposited certificates and release the transfer restrictions imposed on uncertificated shares.

(b) If after returning deposited certificates and releasing transfer restrictions, the corporation takes the proposed action, it shall send a new dissenters' notice under RSA 293-A:13.22 and repeat the payment demand procedure.

293-A:13.27 After-Acquired Shares.

(a) A corporation may elect to withhold payment required by RSA 293-A:13.25 from a dissenter, unless he was the beneficial owner of the shares before the date set forth in the dissenters' notice as the date of the first announcement to news media or to shareholders of the terms of the proposed corporate action.

(b) To the extent the corporation elects to withhold payment under subsection (a), after taking the proposed corporate action, it shall estimate the fair value of the shares, plus accrued interest, and shall pay this amount to each dissenter who agrees to accept it in full satisfaction of his demand. The corporation shall send with its offer a statement of its estimate of the fair value of the shares, an explanation of how the interest was calculated, and a statement of the dissenter's right to demand payment under RSA 293-A:13.28.

293-A:13.28 Procedure if Shareholder Dissatisfied With Payment or Offer.

(a) A dissenter may notify the corporation in writing of his own estimate of the fair value of his shares and amount of interest due, and demand payment of his estimate, less any payment under RSA 293-A:13.25, or reject the corporation's offer under RSA 293-A:13.27 and demand payment of the fair value of his shares and interest due, if:

(1) The dissenter believes that the amount paid under RSA 293-A:13.25 or offered under RSA 293-A:13.27 is less than the fair value of his shares or that the interest due is incorrectly calculated;

(2) The corporation fails to make payment under RSA 293-A:13.25 within 60 days after the date set for demanding payment; or

(3) The corporation, having failed to take the proposed action, does not return the deposited certificates or release the transfer restrictions imposed on uncertificated shares within 60 days after the date set for demanding payment.

(b) A dissenter waives his right to demand payment under this section unless he notifies the corporation of his demand in writing under subsection (a) within 30 days after the corporation made or offered payment for his shares.

### C. Judicial Appraisal of Shares

#### 293-A:13.30 Court Action.

(a) If a demand for payment under RSA 293-A:13.28 remains unsettled, the corporation shall commence a proceeding within 60 days after receiving the payment demand and petition the court to determine the fair value of the shares and accrued interest. If the corporation does not commence the proceeding within the 60-day period, it shall pay each dissenter whose demand remains unsettled the amount demanded.

(b) The corporation shall commence the proceeding in the superior court of the county where a corporation's principal office, or, if none in this state, its registered office, is located. If the corporation is a foreign corporation without a registered office in this state, it shall commence the proceeding in the county in this state where the registered office of the domestic corporation merged with or whose shares were acquired by the foreign corporation was located.

(c) The corporation shall make all dissenters, whether or not residents of this state, whose demands remain unsettled parties to the proceeding as in an action against their shares and all parties shall be served with a copy of the petition. Nonresidents may be served by registered or certified mail or by publication as provided by law.

(d) The jurisdiction of the court in which the proceeding is commenced under subsection (b) is plenary and exclusive. The court may appoint one or more persons as appraisers to receive evidence and recommend decisions on the question of their value. The appraisers have the powers described in the order appointing them, or in any amendment to it. The dissenters are entitled to the same discovery rights as parties in other civil proceedings.

(e) Each dissenter made a party to the proceeding is entitled to judgment:

(1) For the amount, if any, by which the court finds the fair value of his shares, plus interest, exceeds the amount paid by the corporation; or,

(2) For the fair value, plus accrued interest, of his after-acquired shares for which the corporation elected to withhold payment under RSA 293-A:13.27.

#### 293-A:13.31 Court Costs and Counsel Fees.

(a) The court in an appraisal proceeding commenced under RSA 293-A:13.30 shall determine all costs of the proceeding, including the reasonable compensation and expenses of appraisers appointed by the court. The court shall assess the costs against the corporation, except that the court may assess costs against all or some of the dissenters, in amounts the court finds equitable, to the extent the court finds the

dissenters acted arbitrarily, vexatiously, or not in good faith in demanding payment under RSA 293-A:13.28.

(b) The court may also assess the fees and expenses of counsel and experts for the respective parties, in amounts the court finds equitable:

(1) Against the corporation and in favor of any or all dissenters if the court finds the corporation did not substantially comply with the requirements of RSA 293-A:13.20 through RSA 293-A:13.28.

(2) Against either the corporation or a dissenter, in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this subdivision.

(c) If the court finds that the services of counsel for any dissenter were of substantial benefit to other dissenters similarly situated, and that the fees for those services should not be assessed against the corporation, the court may award to these counsel reasonable fees to be paid out of the amounts awarded the dissenters who were benefited.

## Dissolution

### A. Voluntary Dissolution

293-A:14.01 Dissolution by Incorporators or Initial Directors. A majority of the incorporators or initial directors of a corporation that has not issued shares or has not commenced business may dissolve the corporation by delivering to the secretary of state for filing articles of dissolution that set forth:

(1) The name of the corporation.

(2) The date of its incorporation.

(3) Either:

(i) That none of the corporation's shares has been issued; or

(ii) That the corporation has not commenced business.

(4) That no debt of the corporation remains unpaid.

(5) That the net assets of the corporation remaining after winding up have been distributed to the shareholders, if shares were issued.

(6) That a majority of the incorporators or initial directors authorized the dissolution.

293-A:14.02 Dissolution by Board of Directors and Shareholders.

(a) A corporation's board of directors may propose dissolution for submission to the shareholders.

(b) For a proposal to dissolve to be adopted:

(1) The board of directors shall recommend dissolution to the shareholders unless the board of directors determines that because of conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the shareholders; and

(2) The shareholders entitled to vote shall approve the proposal to dissolve as provided in subsection (e).

(c) The board of directors may condition its submission of the proposal for dissolution on any basis.

(d) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with RSA 293-A:7.05. The notice shall also state that the purpose, or one of the purposes, of the meeting is to consider dissolving the corporation.

(e) Unless the articles of incorporation or the board of directors acting pursuant to subsection (c) require a greater vote or a vote by voting groups, the proposal to dissolve to be adopted shall be approved by a majority of all the votes entitled to be cast on that proposal.

293-A:14.03 Articles of Dissolution.

(a) At any time after dissolution is authorized, the corporation may dissolve by delivering to the secretary of state for filing articles of dissolution setting forth:

(1) The name of the corporation.

(2) The date dissolution was authorized.

(3) If dissolution was approved by the shareholders:

(i) The number of votes entitled to be cast on the proposal to dissolve; and

(ii) The total number of votes cast for and against dissolution or the total number of undisputed votes cast for dissolution and a statement that the number cast for dissolution was sufficient for approval.

(4) If voting by voting groups was required, the information required by subparagraph (a)(3) shall be separately provided for each voting group entitled to vote separately on the plan to dissolve.

(5) A certificate of mailing of a copy of the articles of dissolution to the department of revenue.

(b) A corporation is dissolved effective as of the date of filing its articles of dissolution.

293-A:14.04 Revocation of Dissolution.

(a) A corporation may revoke its dissolution within 120 days of its effective date.

(b) Revocation of dissolution shall be authorized in the same manner as the dissolution was authorized unless that authorization permitted revocation by action of the board of directors alone, in which event the board of directors may revoke the dissolution without shareholder action.

(c) After the revocation of dissolution is authorized, the corporation may revoke the dissolution by delivering to the secretary of state for filing articles of revocation of dissolution, together with a copy of its articles of dissolution, that set forth:

(1) The name of the corporation.

(2) The effective date of the dissolution that was revoked.

(3) The date that the revocation of dissolution was authorized.

(4) If the corporation's board of directors, or incorporators, revoked the dissolution, a statement to that effect.

(5) If the corporation's board of directors revoked a dissolution authorized by the shareholders, a statement that revocation was permitted by action by the board of directors alone pursuant to that authorization.

(6) If shareholder action was required to revoke the dissolution, the information required by RSA 293-A:14.03(a)(3) or (4).

(d) Revocation of dissolution is effective upon the effective date of the articles of revocation of dissolution.

(e) When the revocation of dissolution is effective, it reverts back to and takes effect as of the effective date of the dissolution and the corporation resumes carrying on its business as if dissolution had never occurred.

293-A:14.05 Effect of Dissolution.

(a) A dissolved corporation continues its corporate existence but may not carry on any business except that appropriate to wind up and liquidate its business and affairs, including:



- (1) Collecting its assets.
- (2) Disposing of its properties that will not be distributed in kind to its shareholders.
- (3) Discharging or making provision for discharging its liabilities.
- (4) Distributing its remaining property among its shareholders according to their interests.
- (5) Doing every other act necessary to wind up and liquidate its business and affairs.

(b) Prior to making any distribution of its remaining property among its shareholders according to their interests, the corporation shall first obtain a certificate of dissolution from the department of revenue administration in accordance with RSA 77-A:18.

(c) Dissolution of a corporation does not:

- (1) Transfer title to the corporation's property.
- (2) Prevent transfer of its shares or securities, although the authorization to dissolve may provide for closing the corporation's share transfer records.
- (3) Subject its directors or officers to standards of conduct different from those prescribed in RSA 293-A:8.01 through 293-A:8.58.

(4) Change quorum or voting requirements for its board of directors or shareholders; change provisions for selection, resignation, or removal of its directors or officers or both; or change provisions for amending its bylaws.

(5) Prevent commencement of a proceeding by or against the corporation in its corporate name.

(6) Abate or suspend a proceeding pending by or against the corporation on the effective date of dissolution.

(7) Terminate the authority of the registered agent of the corporation.

#### 293-A:14.06 Known Claims Against Dissolved Corporation.

(a) A dissolved corporation may dispose of the known claims against it by following the procedure described in this section.

(b) The dissolved corporation shall notify its known claimants in writing of the dissolution at any time after its effective date. The written notice shall:

- (1) Describe information that shall be included in a claim;
- (2) Provide a mailing address where a claim may be sent.
- (3) State the deadline, which may not be fewer than 120 days from the effective date of the written notice, by which the dissolved corporation shall receive the claim; and

(4) State that the claim will be barred if not received by the deadline.

(c) A claim against the dissolved corporation is barred:

- (1) If a claimant who was given written notice under subsection (b) does not deliver the claim to the dissolved corporation by the deadline.
- (2) If a claimant whose claim was rejected by the dissolved corporation does not commence a proceeding to enforce the claim within 90 days after the effective date of the rejection notice.

(d) For purposes of this section, "claim" shall not include a contingent liability or a claim based on an event occurring after the effective date of dissolution.

#### 293-A:14.07 Unknown Claims Against Dissolved Corporation.

(a) A dissolved corporation may also publish notice of its dissolution and request that persons with claims against the corporation present them in accordance with the notice.

(b) The notice shall:

(1) Be published one time in a newspaper of general circulation in the county where the dissolved corporation's principal office, or, if none in this state, its registered office, is or was last located;

(2) Describe the information that must be included in a claim and provide a mailing address where the claim may be sent; and

(3) State that a claim against the corporation will be barred unless a proceeding to enforce the claim is commenced within 5 years after the publication of the notice.

(c) If the dissolved corporation publishes a newspaper notice in accordance with subsection (b), the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within 5 years after the publication date of the newspaper notice:

(1) A claimant who did not receive written notice under RSA 293-A:14.06;

(2) A claimant whose claim was timely sent to the dissolved corporation but not acted on;

(3) A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

(d) A claim may be enforced under this section:

(1) Against the dissolved corporation, to the extent of its undistributed assets; or

(2) If the assets have been distributed in liquidation, against a shareholder of the dissolved corporation to the extent of his pro rata share of the claim or the corporate assets distributed to him in liquidation, whichever is less, but a shareholder's total liability for all claims under this section shall not exceed the total amount of assets distributed to him.

#### B. Administrative Dissolution

293-A:14.20 Grounds for Administrative Dissolution. The secretary of state may administratively dissolve a corporation under RSA 293-A:14.21 if:

(1) The corporation for 2 consecutive years does not pay within 60 days after they are due any franchise taxes or penalties imposed by this chapter or other law;

(2) The corporation for 2 consecutive years does not deliver its annual report to the secretary of state within 60 days after it is due;

(3) The corporation is without a registered agent or registered office in this state for 60 days or more;

(4) The corporation does not notify the secretary of state within 60 days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued; or

(5) The corporation's period of duration stated in its articles of incorporation expires.

293-A:14.21 Procedure for and Effect of Administrative Dissolution.

(a) If the secretary of state determines that one or more grounds exist under RSA 293-A:14.20 for dissolving a corporation, he shall administratively dissolve the corporation by signing and mailing a notice of dissolution to the corporation at its principal address that recites the grounds for dissolution and effective date, together with an application for reinstatement and shall at the same time give notice to the department of revenue administration, but such notice shall not constitute written or published notice to claimants otherwise required under RSA 293-A:14.06 or RSA 293-A:14.07.

(b) A corporation administratively dissolved continues its corporate existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under RSA 293-A:14.05 and notify claimants under RSA 293-A:14.06 and 293-A:14.07.

(c) The administrative dissolution of a corporation shall not terminate the authority of its registered agent.

(d) The secretary of state shall not permit any other individual, corporation, or other business entity to assume the same name or a deceptively similar name, of a corporation administratively dissolved under this section, or any trade name registered by such corporation pursuant to RSA 349, for a period of 120 days following the notice of administrative dissolution without the written consent of such corporation.

#### 293-A:14.22 Reinstatement Following Administrative Dissolution.

(a) A corporation administratively dissolved under RSA 293-A:14.21 may apply to the secretary of state for reinstatement within 3 years after the effective date of dissolution. The application shall:

(1) Recite the name of the corporation and the effective date of its administrative dissolution;

(2) State that the ground or grounds for dissolution either did not exist or have been eliminated;

(3) State that the corporation's name or proposed name satisfies the requirements of RSA 293-A:4.01; and

(4) Contain a certificate from the New Hampshire department of revenue administration in accordance with RSA 77-A:18, III, if such application is received by the secretary of state more than 120 days after the notice of administrative dissolution is mailed.

(b) If the secretary of state determines that the application contains the information required by subsection (a), that the information is correct, and that the corporation name is available for registration, he shall cancel the notice of dissolution and prepare a notice of reinstatement that recites his determination and the effective date of reinstatement and mail said notice to the corporation. If the application for reinstatement included a change of name of the corporation, said notice shall set forth the change of name of the corporation, and said notice shall constitute an amendment to the articles of incorporation.

(c) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the corporation resumes carrying on its business as if the administrative dissolution had never occurred.

#### 293-A:14.23 Appeal From Denial of Reinstatement.

(a) If the secretary of state denies a corporation's application for reinstatement following administrative dissolution, he shall mail the corporation a written notice that explains the reason or reasons for denial.

(b) The corporation may appeal the denial of reinstatement to the superior court within 30 days after service of the notice of denial is perfected. The corporation appeals by petitioning the court to set aside the dissolution and attaching to the petition copies of the secretary of state's certificate of dissolution, the corporation's application for reinstatement, and the secretary of state's notice of denial.

(c) The court may summarily order the secretary of state to reinstate the dissolved corporation or may take other action the court considers appropriate.

(d) The court's final decision may be appealed as in other civil proceedings.

## C. Judicial Dissolution

293-A:14.30 Grounds for Judicial Dissolution. The superior court may dissolve a corporation:

- (a) In a proceeding by the attorney general if it is established that:
  - (i) The corporation obtained its articles of incorporation through fraud; or
  - (ii) The corporation has continued to exceed or abuse the authority conferred upon it by law.
- (b) In a proceeding by a shareholder if it is established that:
  - (i) The directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered, or the business and affairs of the corporation can no longer be conducted to the advantage of the shareholders generally, because of the deadlock.
  - (ii) The shareholders are deadlocked in voting power and have failed, for a period that includes at least 2 consecutive annual meeting dates, to elect successors to directors whose terms have expired.
  - (iii) The directors or those in control of the corporation have acted, are acting, or will act in a manner that is illegal or fraudulent.
  - (iv) An agreement under the provisions of RSA 293-A:7.32(a)(7) binding on all the shareholders so provides.
- (c) In a proceeding by a creditor if it is established that:
  - (i) The creditor's claim has been reduced to judgment, the execution on the judgment returned unsatisfied, and the corporation is insolvent; or
  - (ii) The corporation has admitted in writing that the creditor's claim is due and owing and the corporation is insolvent.
- (d) In a proceeding by the corporation to have its voluntary dissolution continued under court supervision.

## 293-A:14.31 Procedure for Judicial Dissolution.

(a) Venue for a proceeding by the attorney general to dissolve a corporation lies in Merrimack county. Venue for a proceeding brought by any other party named in RSA 293-A:14.30 lies in the county where a corporation's principal office, or, if none in this state, its registered office, is or was last located.

(b) It is not necessary to make shareholders parties to a proceeding to dissolve a corporation unless relief is sought against them individually.

(c) A court in a proceeding brought to dissolve a corporation may issue injunctions, appoint a receiver or custodian pendente lite with all powers and duties the court directs, take other action required to preserve the corporate assets wherever located, and carry on the business of the corporation until a full hearing can be held.

(d) Within 10 days of the commencement of a proceeding under RSA 293-A:14.30(2), to dissolve a corporation that has no shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national securities exchange, the corporation shall send to all shareholders, other than the petitioner, a notice stating that the shareholders are entitled to avoid the dissolution of the corporation by electing to purchase the petitioner's shares under RSA 293-A:14.34 and accompanied by a copy of RSA 293-A:14.34.

## 293-A:14.32 Receivership or Custodianship.

(a) A court in a judicial proceeding brought to dissolve a corporation may appoint one or more receivers to wind up and liquidate, or one or more custodians to manage, the business and affairs of the corporation. The court shall hold a hearing, after



notifying all parties to the proceeding and any interested persons designated by the court, before appointing a receiver or custodian. The court appointing a receiver or custodian has exclusive jurisdiction over the corporation and all of its property wherever located.

(b) The court may appoint an individual or a domestic or foreign corporation, authorized to transact business in this state, as a receiver or custodian. The court may require the receiver or custodian to post bond, with or without sureties, in an amount the court directs.

(c) The court shall describe the powers and of the receiver or custodian in its appointing order, which may be amended from time to time. Among other powers:

(1) The receiver:

(i) May dispose of all or any part of the assets of the corporation wherever located, at a public or private sale, if authorized by the court;

(ii) May sue and defend his own name as receiver of the corporation in all courts of this state.

(2) The custodian may exercise all of the powers of the corporation, through or in place of its board of directors or officers, to the extent necessary to manage the affairs of the corporation in the best interests of its shareholders and creditors.

(d) The court during a receivership may redesignate the receiver a custodian, and during a custodianship may redesignate the custodian a receiver, if doing so is in the best interests of the corporation, its shareholders, and creditors.

(e) The court from time to time during the receivership or custodianship may order compensation paid and expense disbursements or reimbursements made to the receiver or custodian and his counsel from the assets of the corporation or proceeds from the sale of the assets.

#### 293-A:14.33 Decree of Dissolution.

(a) If after a hearing the court determines that one or more grounds for judicial dissolution described in RSA 293-A:14.30 exist, it may enter a decree dissolving the corporation and specifying the effective date of the dissolution, and the clerk of the court shall deliver a certified copy of the decree to the secretary of state, who shall file it and at the same time shall mail notice of such decree upon the department of revenue administration, but such notice shall not constitute written or published notice to claimants otherwise required under RSA 293-A:14.06 or RSA 293-A:14.07.

(b) After entering the decree of dissolution, the court shall direct the winding up and liquidation of the corporation's business and affairs in accordance with RSA 293-A:14.05 and the notification of claimants in accordance with RSA 293-A:14.06 and 293-A:14.07.

#### 293-A:14.34 Election to Purchase in Lieu of Dissolution.

(a) In a proceeding under RSA 293-A:14.30(b) to dissolve a corporation that has no shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association, the corporation may elect or, if it fails to elect one or more shareholders may elect to purchase all shares owned by the petitioning shareholder at the fair value of the shares. An election pursuant to this section shall be irrevocable, unless the court determines that it is equitable to set aside or modify the election.

(b) An election to purchase pursuant to this section may be filed with the court at any time within 90 days after the filing of the petition under RSA 293-A:14.30(2) or at such later time as the court in its discretion may allow. If the election to purchase is filed by one or more shareholders, the corporation shall, within 10 days thereafter,

give written notice to all shareholders other than the petitioner. The notice shall state the name and number of shares owned by the petitioner and the name and number of shares owned by each electing shareholder and shall advise the recipients of their right to join in the election to purchase shares in accordance with this section. Shareholders who wish to participate shall file notice of their intention to join in the purchase no later than 30 days after the effective date of the notice to them. All shareholders who have filed an election or notice of their intention to participate in the election to purchase thereby become parties to ownership of shares as of the date the first election was filed, unless they otherwise agree or the court otherwise directs. After an election has been filed by the corporation or one or more shareholders the proceeding under RSA 293-A:14.30(2) shall not be discontinued or settled, nor may the petitioning shareholder sell or otherwise dispose of his shares, unless the court determines that it would be equitable to the corporation and the shareholders other than the petitioner to permit such discontinuance, settlement, sale, or other disposition.

(c) If, within 60 days of the filing of the first election, the parties reach agreement as to the fair value and terms of purchase of the petitioner's shares, the court shall enter an order directing the purchase of petitioner's shares upon the terms and conditions agreed to by the parties.

(d) If the parties are unable to reach an agreement as provided for in subsection (c), the court, upon application of any party, shall stay the RSA 293-A:14.30(2) proceedings and determine the fair value of the petitioner's shares as of the day before the date on which the petition under RSA 293-A:14.30(2) was filed or as of such other date as the court deems appropriate under the circumstances.

(e) Upon determining the fair value of the shares, the court shall enter an order directing the purchase upon such terms and conditions as the court deems appropriate, which may include payment of the purchase price in installments, where necessary in the interests of equity, provision for security to assure payment of the purchase price any additional costs, fees, and expenses as may have been awarded, and, if the shares are to be purchased by shareholders, the allocation of shares among them. In allocating petitioner's shares among holders of different classes of shares, the court shall attempt to preserve the existing distribution of voting rights among holders of different classes insofar as practicable and may direct that holders of a specific class or classes shall not participate in the purchase. Interest may be allowed at the rate and from the date determined by the court to be equitable, but if the court finds that the refusal of the petitioning shareholder to accept an offer of payment was arbitrary or otherwise not in good faith, no interest shall be allowed.

(f) Upon entry of an order under subsections (c) or (e), the court shall dismiss the petition to dissolve the corporation under RSA 293-A:14.30, and the petitioning shareholder shall no longer have any rights or status as a shareholder of the corporation, except the right to receive the amounts awarded to him by the order of the court which shall be enforceable in the same manner as any other judgment.

(g) The purchase ordered pursuant to subsection (e), shall be made within 10 days after the date the order becomes final, unless before that time the corporation files with the court a notice of its intention to adopt articles of dissolution pursuant to RSA 293-A:14.02 and RSA 293-A:14.03, which articles shall then be adopted and filed within 50 days thereafter. Upon filing of such articles of dissolution, the corporation shall be dissolved in accordance with the provisions of RSA 293-A:14.05 through 293-A:14.07 and the order entered pursuant to subsection (e) shall no longer

be of any force or effect, except that the court may award the petitioning shareholder reasonable fees and expenses in accordance with the provisions of the last sentence of subsection (e) and the petitioner may continue to pursue any claims previously asserted on behalf of the corporation.

(h) Any payment by the corporation pursuant to an order under subsections (c) or (e), other than an award of fees and expenses pursuant to subsection (e) is subject to the provisions of RSA 293-A:6.40.

#### D. Miscellaneous

293-A:14.40 Deposit with State Treasurer. Assets of a dissolved corporation that should be transferred to a creditor, claimant, or shareholder of the corporation who cannot be found or who is not competent to receive them shall be reduced to cash and deposited with the state treasurer or other appropriate state official for safekeeping. When the creditor, claimant, or shareholder furnishes satisfactory proof of entitlement to the amount deposited, the state treasurer or other appropriate state official shall pay him or his representative that amount.

#### A. Foreign Corporations Certificate of Authority

##### 293-A:15.01 Authority to Transact Business Required.

(a) A foreign corporation shall not transact business in this state until it obtains a certificate of authority from the secretary of state.

(b) The following activities, among others, do not constitute transacting business within the meaning of subsection (a):

(1) maintaining, defending, or settling any proceeding;

(2) holding meetings of the board of directors or shareholders or carrying on other activities concerning internal corporate affairs;

(3) maintaining bank accounts;

(4) maintaining offices or agencies for the transfer, exchange, or registration of the corporation's own securities or maintaining trustees or depositaries with respect to those securities;

(5) selling through independent contractors;

(6) soliciting or obtaining order, whether by mail or through employees or agents or otherwise, if the orders require acceptance outside this state before they become contracts;

(7) creating or acquiring indebtedness, mortgages, and security interests in real or personal property;

(8) securing or collecting debts or enforcing mortgages and security interests in property securing the debts;

(9) owning, without more, real or personal property;

(10) conducting an isolated transaction that is completed within 30 days and that is not one in the course of repeated transactions of a like nature;

(11) transacting business in interstate commerce.

(c) The list of activities in subsection (b) is not exhaustive.

(d) Nothing in this section shall be construed so as to preclude a determination that a foreign corporation is carrying on business activity within this state within the meaning of RSA 77-A:1, XII.

(e) Any so-called Massachusetts trust or business trust established by law of any other state, desiring to do business in this state, shall be deemed to be a foreign corporation and shall be required to register under and comply with the provisions of this chapter.

**293-A:15.02 Consequences of Transacting Business without Authority.**

(a) A foreign corporation transacting business in this state without a certificate of authority may not maintain a proceeding in any court in this state until it obtains a certificate of authority.

(b) The successor to a foreign corporation that transacted business in this state without a certificate of authority and the assignee of a cause of action arising out of that business may not maintain a proceeding based on that cause of action in any court in this state until the foreign corporation or its successor obtains a certificate of authority.

(c) A court may stay a proceeding commenced by a foreign corporation, its successor, or assignee until it determines whether the foreign corporation or its successor requires a certificate of authority. If it so determines, the court may further stay the proceeding until the foreign corporation or its successor obtains the certificate.

(d) A foreign corporation which transacts business in this state without a certificate of authority shall be liable to this state, for the years or parts of any years during which it transacted business in this state without a certificate of authority, in an amount equal to all fees and franchise fees which would have been imposed by this subdivision upon the corporation had it duly applied for and received a certificate of authority to transact business in this state as required by this subdivision and thereafter filed all required reports. The corporation shall also be liable for any penalties imposed by this subdivision for failure to pay such fees and franchise fees. The attorney general shall bring proceedings to recover all amounts due under the provisions of this section.

(e) Notwithstanding subsections (a) and (b), the failure of a foreign corporation to obtain a certificate of authority does not impair the validity of its corporate acts or prevent it from defending any proceeding in this state.

**293-A:15.03 Application for Certificate of Authority.**

(a) A foreign corporation may apply for a certificate of authority to transact business in this state by delivering an application to the secretary of state for filing. The application shall set forth:

(1) the name of the foreign corporation or, if its name is unavailable for use in this state, a corporate name that satisfies the requirements of RSA 293-A:15.06;

(2) the name of the state or country under whose law it is incorporated;

(3) its date of incorporation and period of duration;

(4) the street address of its principal office;

(5) the address of its registered office in this state and the name of its registered agent at that office; and

(6) the names and usual business addresses of its current directors and officers.

(b) The foreign corporation shall deliver with the completed application a certificate of existence (or document of similar import) duly authorized by the secretary of state or other official having custody of corporate records in the state or country under whose law it is incorporated, issued not more than 60 days before the application is received by the secretary of state.

**293-A:15.04 Amended Certificate of Authority.**

(a) A foreign corporation authorized to transact business in this state shall obtain an amended certificate of authority from the secretary of state if it changes:

(1) its corporate name;

(2) the period of its duration; or

(3) the state or country of its incorporation.



(b) The requirements of RSA 293-A:15.03 for obtaining an original certificate of authority apply to obtaining an amended certificate under this section.

293-A:15.05 Effect of Certificate of Authority.

(a) A certificate of authority authorizes the foreign corporation to which it is issued to transact business in this state subject, however, to the right of the state to revoke the certificate as provided in this chapter.

(b) A foreign corporation with a valid certificate of authority has the same but no greater rights and has the same but no greater privileges as, and except as otherwise provided by this chapter is subject to the same duties, restrictions, penalties, and liabilities now or later imposed on, a domestic corporation of like character.

(c) This chapter does not authorize this state to regulate the organization or internal affairs of a foreign corporation authorized to transact business in this state.

293-A:15.06 Corporate Name of Foreign Corporation.

(a) If the corporate name of a foreign corporation does not satisfy the requirements of RSA 293-A:4.01, the foreign corporation to obtain or maintain a certificate of authority to transact business in this state:

(1) may add the word "corporation," "incorporated," "company," or "limited," or the abbreviation "corp.," "inc.," "co.," or "ltd.," to its corporate name for use in this state; or

(2) may use a fictitious name to transact business in this state if its real name is unavailable and it delivers to the secretary of state for filing a copy of the resolution of its board of directors, certified by its secretary, adopting the fictitious name.

(b) Except as authorized by subsections (c) and (d), the corporate name, including a fictitious name, of a foreign corporation shall not be the same as or deceptively similar to:

(1) the corporate name of a corporation incorporated or authorized to transact business in this state;

(2) a corporate name reserved or registered under RSA 293-A:4.02 or 293-A:4.03;

(3) the fictitious name of another foreign corporation authorized to transact business in this state;

(4) the corporate name of a not-for-profit corporation incorporated or authorized to transact business in this state;

(5) a trade name registered with the secretary of state under RSA 349;

(6) a domestic or foreign limited partnership name filed pursuant to RSA 304-B; and

(7) the name of a foreign partnership registered pursuant to RSA 305-A, or the name of a New Hampshire Investment trust filed under RSA 293-B.

(c) A foreign corporation may apply to the secretary of state for authorization to use in this state the name of another corporation (incorporated or authorized to transact business in this state) that is the same as or deceptively similar to another name upon the records of the secretary of state. The secretary of state shall authorize use of the name applied for if:

(1) The other corporation consents to the use in writing and submits an undertaking in form satisfactory to the secretary of state to change its name to a name that is not the same as or deceptively similar to the name of the applying corporation; or

(2) The applicant delivers to the secretary of state a certified copy of a final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.

(d) A foreign corporation may use in this state the name, including the fictitious name, of another domestic or foreign corporation that is used in this state if the other corporation is incorporated or authorized to transact business in this state and the foreign corporation:

- (1) has merged with the other corporation;
- (2) has been formed by reorganization of the other corporation; or
- (3) has acquired all or substantially all of the assets, including the corporate name, of the other corporation.

(e) If a foreign corporation authorized to transact business in this state changes its corporate name to one that does not satisfy the requirements of RSA 293-A:4.01, it may not transact business in this state under the changed name until it adopts a name satisfying the requirements of RSA 293-A:4.01 and obtains an amended certificate of authority under RSA 293-A:15.04.

293-A:15.07 Registered Office and Registered Agent of Foreign Corporation. Each foreign corporation authorized to transact business in this state shall continuously maintain in this state:

- (1) a registered office that may be the same as any of its places of business; and
- (2) a registered agent, who may be:
  - (i) an individual who resides in this state and whose business office is identical with the registered office;
  - (ii) a domestic corporation or not-for-profit domestic corporation whose business office is identical with the registered office; or
  - (iii) a foreign corporation or foreign not-for-profit corporation authorized to transact business in this state whose business office is identical with the registered office.

293-A:15.08 Change of Registered Office or Registered Agent of Foreign Corporation.

(a) A foreign corporation authorized to transact business in this state may change its registered office or registered agent by delivering to the secretary of state for filing a statement of change that sets forth:

- (1) its name;
- (2) the street address of its current registered office;
- (3) if the current registered office is to be changed, the street address of its new registered office;
- (4) the name of its current registered agent;
- (5) if the current registered agent is to be changed, the name of its new registered agent and the new agent's written consent (either on the statement or attached to it) to the appointment; and
- (6) that after the change or changes are made, the street addresses of its registered office and the business office of its registered agent will be identical.

(b) If a registered agent changes the street address of his business office, he may change the street address of the registered office of any foreign corporation for which he is the registered agent by notifying the corporation in writing of the change and signing, either manually or in facsimile, and delivering to the secretary of state for filing a statement of change that complies with the requirements of subsection (a) and recites that the corporation has been notified of the change.

293-A:15.09 Resignation of Registered Agent of Foreign Corporation.

(a) The registered agent of a foreign corporation authorized to do business in this state may resign his agency appointment by signing and delivering to the secretary of

state for filing the original and one exact or conformed copy of a statement of resignation. The statement of resignation may include a statement that the registered office is also discontinued.

(b) The secretary of state shall mail the copy to the foreign corporation at its principal office address shown in its most recent annual report.

(c) The agency appointment is terminated, and the registered office discontinued if so provided, on the thirty-first day after the date on which the statement was filed.

#### 293-A:15.10 Service on Foreign Corporation.

(a) The registered agent appointed by a foreign corporation authorized to transact business in this state is the agent of the corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served.

(b) A foreign corporation may be served by registered or certified mail, return receipt requested, addressed to the secretary of the foreign corporation at its principal office shown in its application for a certificate of authority or in its most recent annual report if the foreign corporation:

(1) has no registered agent or its registered agent cannot with reasonable diligence be served;

(2) has withdrawn from transacting business in this state under RSA 293-A:15.20; or

(3) has had its certificate of authority revoked under RSA 293-A:15.31.

(c) Service is perfected under subsection (b) at the earliest of:

(1) the date the foreign corporation receives the mail;

(2) the date shown on the return receipt, if signed on behalf of the foreign corporation; or

(3) five days after its deposit in the United States Mail, as evidenced by the postmark, if mailed postpaid and correctly addressed.

(d) This section does not prescribe the only means, or necessarily the required means, of serving a foreign corporation.

#### B. Withdrawal

##### 293-A:15.20 Withdrawal of Foreign Corporation.

(a) A foreign corporation authorized to transact business in this state may not withdraw from this state until it obtains a certificate of withdrawal from the secretary of state.

(b) A foreign corporation authorized to transact business in this state may apply for a certificate of withdrawal by delivering an application to the secretary of state for filing. The application shall set forth:

(1) the name of the foreign corporation and the name of the state or country under whose law it is incorporated;

(2) that it is not transacting business in this state and that it surrenders its authority to transact business in this state;

(3) that it revokes the authority of its registered agent to accept service on its behalf and appoints the secretary of state as its agent for service of process in any proceeding based on a cause of action arising during the time it was authorized to transact business in this state;

(4) a mailing address to which the secretary of state may mail a copy of any process served to him under subparagraph (b)(3);

(5) a commitment to notify the secretary of state in the future of any change in its mailing address; and

(6) a statement of withdrawal from the New Hampshire department of revenue administration in accordance with RSA 77-A:18, II.

(c) After the withdrawal of the corporation is effective, service of process on the secretary of state under this section is service on the foreign corporation. Upon receipt of process, the secretary of state shall mail a copy of the process to the foreign corporation at the mailing address set forth under subsection (b).

#### C. Revocation of Certificate of Authority

293-A:15.30 Grounds for Revocation. The secretary of state may commence a proceeding under RSA 293-A:15.31 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(1) the foreign corporation does not deliver its annual report to the secretary of state within 60 days after it is due;

(2) the foreign corporation does not pay within 60 days after they are due any franchise taxes or penalties imposed by this chapter or other law;

(3) the foreign corporation is without a registered agent or registered office in this state for 60 days or more;

(4) the foreign corporation does not inform the secretary of state under RSA 293-A:15.08 or 293-A:15.09 that its registered agent or registered office has changed, that its registered agent has resigned, or that its registered office has been discontinued within 60 days of the change, resignation, or discontinuance;

(5) an incorporator, director, officer, or agent of the foreign corporation signed a document he knew was false in any material respect with intent that the document be delivered to the secretary of state for filing; or

(6) the secretary of state receives a duly authenticated certificate from the secretary of state or other official having the custody of corporate records in the state or country under whose law the foreign corporation is incorporated stating that it has been dissolved or disappeared as the result of a merger.

#### 293-A:15.31 Procedure for and Effect of Revocation.

(a) If the secretary of state determines that one or more grounds exist under RSA 293-A:15.30 for revocation of a certificate of authority, he shall serve the foreign corporation with written notice of his determination under RSA 293-A:15.10 and shall mail a copy of such service at the same time to the department of revenue administration.

(b) If the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within 60 days after written notice is served, the secretary of state may revoke the foreign corporation's certificate of authority by signing a certificate of revocation that recites the ground or grounds for revocation and its effective date. The secretary of state shall file the original of the certificate and serve a copy on the foreign corporation.

(c) The authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority.

(d) The secretary of state's revocation of a foreign corporation's certificate of authority appoints the secretary of state the foreign corporation's agent for service of process in any proceeding based on a cause of action which arose during the time the foreign corporation was authorized to transact business in this state. Service of proc-



ess on the secretary of state under this subsection is service on the foreign corporation. Upon receipt of process, the secretary of state shall mail a copy of the process to the secretary of the foreign corporation at its principal office shown in its most recent annual report or in any subsequent communication received from the corporation stating the current mailing address of its principal office, or, if none are on file, in its application for a certificate of authority.

(e) Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent of the corporation.

#### 293-A:15.32 Appeal from Revocation.

(a) A foreign corporation may appeal the secretary of state's revocation of its certificate of authority to the superior court within 30 days after service of the certificate of revocation is perfected. The foreign corporation appeals by petitioning the court to set aside the revocation and attaching to the petition copies of its certificate of authority and the secretary of state's certificate of revocation.

(b) The court may summarily order the secretary of state to reinstate the certificate of authority or may take any other action the court considers appropriate.

(c) The court's final decision may be appealed as in other civil proceedings.

### Records and Reports

#### A. Records

#### 293-A:16.01 Corporate Records.

(a) A corporation shall keep as permanent records minutes of all meetings of its shareholders and board of directors, a record of all actions taken by the shareholders or board of directors without a meeting, and a record of all actions taken by a committee of the board of directors in place of the board of directors on behalf of the corporation.

(b) A corporation shall maintain appropriate accounting records.

(c) A corporation or its agent shall maintain a record of its shareholders, in a form that permits preparation of a list of the names and addresses of all shareholders, in alphabetical order by class of shares showing the number and class of shares held by each.

(d) A corporation shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time.

(e) A corporation shall keep a copy of the following records at its principal office:

(1) Its articles or restated articles of incorporation and all amendments to them currently in effect.

(2) Its bylaws or restated bylaws and all amendments to them currently in effect.

(3) Resolutions adopted by its board of directors creating one or more classes or series of shares, and fixing their relative rights, preferences, and limitations, if shares issued pursuant to those resolutions are outstanding.

(4) The minutes of all shareholders' meetings, and records of all action taken by shareholders without a meeting, for the past 3 years.

(5) All written communications to shareholders generally within the past 3 years, including the financial statements furnished for the past 3 years under RSA 293-A:16.20.

(6) A list of the names and business addresses of its current directors and officers.

(7) Its most recent annual report delivered to the secretary of state under RSA 293-A:16.22.

293-A:16.02 Inspection of Records by Shareholders.

(a) A shareholder of a corporation is entitled to inspect and copy, during regular business hours at the corporation's principal office, any of the records of the corporation described in RSA 293-A:16.01(e) if he gives the corporation written notice of his demand at least 5 business days before the date on which he wishes to inspect and copy.

(b) A shareholder of a corporation is entitled to inspect and copy, during regular business hours at a reasonable location specified by the corporation, any of the following records of the corporation if the shareholder meets the requirements of subsection (c) and gives the corporation written notice of his demand at least 5 business days before the date on which he wishes to inspect and copy:

(1) Excerpts from minutes of any meeting of the board of directors, records of any action of a committee of the board of directors while acting in place of the board of directors on behalf of the corporation, minutes of any meeting of the shareholders, and records of action taken by the shareholders or board of directors without a meeting, to the extent not subject to inspection under subsection (a).

(2) Accounting records of the corporation; and

(3) The record of shareholders.

(c) A shareholder may inspect and copy the records described in subsection (b) only if:

(1) His demand is in writing, and is made in good faith and states a proper purpose;

(2) He describes with reasonable particularity his purpose and the records he desires to inspect; and

(3) The records are directly connected with his purpose.

(d) The right of inspection granted by this section may not be abolished or limited by a corporation's articles or incorporation or bylaws.

(e) This section does not affect:

(1) The right of a shareholder to inspect records under RSA 293-A:7.20 or, if the shareholder is in litigation with the corporation, to the same extent as any other litigant.

(2) The power of a court, independently of this chapter, to compel the production of corporate records for examination.

(f) For purposes of this section, "shareholder" includes a beneficial owner whose shares are held in a voting trust or by a nominee on his behalf.

293-A:16.03 Scope of Inspection Right.

(a) A shareholder's agent or attorney has the same inspection and copying rights as the shareholder he represents.

(b) The right to copy records under RSA 293-A:16.02 includes, if reasonable, the right to receive copies made by photographic, xerographic, or other means.

(c) The corporation may impose a reasonable charge, covering the costs of labor and material, for copies of any documents provided to the shareholder. The charge shall not exceed the estimated cost of production or reproduction of the records.

(d) The corporation may comply with a shareholder's demand to inspect the record of shareholders under RSA 293-A:16.02(b)(3) by providing him with a list of its shareholders that was compiled no earlier than the date of the shareholder's demand.

**293-A:16.04 Court-Ordered Inspection.**

(a) If a corporation does not allow a shareholder who complies with RSA 293-A:16.02(a) to inspect and copy any records required by that subsection to be available for inspection, the superior court of the county where the corporation's principal office, or, if none in this state, its registered office, is located may summarily order inspection and copying of the records demanded at the corporation's expense upon application of the shareholder.

(b) If a corporation does not within a reasonable time allow a shareholder to inspect and copy any other record, the shareholder who complies with RSA 293-A:16.02(b) and (c) may apply to the superior court in the county where the corporation's principal office, or, if none in this state, its registered office, is located for an order to permit inspection and copying of the records demanded. The court shall dispose of an application under this subsection on an expedited basis.

(c) If the court orders inspection and copying of the records demanded, it shall also order the corporation to pay the shareholder's costs, including reasonable counsel fees, incurred to obtain the order unless the corporation proves that it refused inspection in good faith because it had a reasonable basis for doubt about the right of the shareholder to inspect the records demanded.

(d) If the court orders inspection and copying of the records demanded, it may impose reasonable restrictions on the use or distribution of the records by the demanding shareholder.

**B. Reports****293-A:16.20 Financial Statements for Shareholders.**

(a) A corporation shall furnish its shareholders annual financial statements, which may be consolidated or combined statements of the corporation and one or more of its subsidiaries, as appropriate, that include a balance sheet as of the end of the fiscal year, an income statement for that year, and a statement of changes in shareholders' equity for the year unless that information appears elsewhere in the financial statements. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, the annual financial statements shall also be prepared on that basis.

(b) If the annual financial statements are reported upon by a public accountant, his report shall accompany them. If not, the statements shall be accompanied by a statement of the president or the person responsible for the corporation's accounting records:

(1) Stating his reasonable belief whether the statements were prepared on the basis of generally accepted accounting principals and, if not, describing the basis of preparation; and

(2) Describing any respects in which the statements were not prepared on a basis of accounting consistent with the statements prepared for the preceding year.

(c) A corporation shall mail the annual financial statements to each shareholder within 120 days after the close of each fiscal year. Thereafter, on written request from a shareholder who was not mailed the statements, the corporation shall mail him the latest financial statements.

**293-A:16.21 Other Reports to Shareholders.**

(a) If a corporation indemnifies or advances expenses to a director under RSA 293-A:8.51, 293-A:8.52, 293-A:8.53, or 293-A:8.54 in connection with a proceeding by or in the right of the corporation, the corporation shall report the indemnifica-

tion or advance in writing to the shareholders with or before the notice of the next shareholders' meeting.

(b) If a corporation issues or authorizes the issuance of shares for promissory notes or for promises to render services in the future, the corporation shall report in writing to the shareholders the number of shares authorized or issued, and the consideration received by the corporation with or before the notice of the next shareholders' meeting.

293-A:16.22 Annual Report for Secretary of State.

(a) Each domestic corporation, and each foreign corporation authorized to transact business in this state, except corporations making returns to the insurance commissioner, shall deliver to the secretary of state for filing an annual report that sets forth:

(1) The name of the corporation and the state or country under whose law it is incorporated.

(2) The address of its registered office and the name of its registered agent at that office in this state.

(3) The address of its principal office.

(4) The names and business addresses of its directors and principal officers.

(5) A brief description of the nature of its business.

(b) Information in the annual report shall be current as of the date the annual report is executed on behalf of the corporation.

(c) The first annual report shall be delivered to the secretary of state between January 1 and April 1 of the year following the calendar year in which a domestic corporation was incorporated or a foreign corporation was authorized to transact business; provided, however, that a foreign corporation that has received its certificate of authority at any time between December 1 of the proceeding year and April 1, or a domestic corporation which has received its certificate of incorporation during the same period shall not be required to file an annual report during that year. Subsequent annual reports shall be delivered to the secretary of state between January 1 and April 1 of the following calendar years.

(d) If an annual report does not contain the information required by this section, the secretary of state shall promptly notify the reporting domestic or foreign corporation in writing and return the report to it for correction. If the report is corrected to contain the information required by this section and delivered to the secretary of state within 30 days after the effective date of notice, it is deemed to be timely filed.

#### Transition Provisions

293-A:17.01 Application to Existing Domestic Corporations. This chapter applies to all domestic corporations in existence on January 1, 1993, that were incorporated under any general statute of this state providing for incorporation of corporations for profit if power to amend or repeal the statute under which the corporation was incorporated was reserved.

293-A:17.02 Application to Qualified Foreign Corporations. A foreign corporation authorized to transact business in this state on January 1, 1993, is subject to this chapter, but is not required to obtain a new certificate of authority to transact business under this chapter.

293-A:17.03 Saving Provisions.

(a) Except as provided in subsection (b), the repeal of a statute by this chapter does not affect:



(1) The operation of the statute or any action taken under it before its repeal.

(2) Any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the statute before its repeal.

(3) Any violation of the statute, or any penalty, forfeiture, or punishment incurred because of the violation, before its repeal.

(4) Any proceeding, reorganization, or dissolution commenced under the statute before its repeal, and the proceeding, reorganization, or dissolution may be completed in accordance with the statutes as if it had not been repealed.

(b) If a penalty or punishment imposed for violation of a statute repealed by the act inserting this chapter is reduced by this chapter, the penalty or punishment if not already imposed shall be imposed in accordance with this chapter.

293-A:17.04 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and to this end the provisions of the chapter are severable.

2 Certifications for Dissolution, Withdrawal and Good Standing.

Amend RSA 77-A:18, I and II to read as follows:

I. (a) No corporation organized under any law of this state may [be dissolved] **transfer property to its shareholders pursuant to RSA 293-A:14.05(a)** until all taxes and interest imposed upon the corporation under this chapter have been fully paid[. The secretary of state shall not issue a certificate of dissolution, and no decree of dissolution shall be signed in any court without a statement] **and a certificate of dissolution shall have been obtained** from the commissioner of revenue administration that no returns, tax, interest, or penalties for taxes administered by the department are due and unpaid.

(b) A corporation wishing to [dissolve] **transfer property to its shareholders pursuant to RSA 293-A:14.05(a)** shall submit a written request containing the complete corporate name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the corporation's records, the commissioner determines that no returns, tax, interest, or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a [statement] **certificate** in accordance with subparagraph (a).

II. A business organization wishing to obtain a statement for withdrawal, in accordance with [RSA 293-A:126, I(f)] **RSA 293-A:15.20(b)(6)**, shall submit a written request containing the complete corporate name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the business organization's records, the commissioner determines that no returns, tax, interest or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a statement for withdrawal for the purposes required under [RSA 293-A:126, I(f)] **RSA 293-A:15.20(b)(6)**.

3 Reference Change. Amend RSA 292:5-b to read as follows:

292:5-b Foreign Nonprofit Corporations; Registration, Fees. A foreign nonprofit corporation established for any of the purposes set forth in RSA 292:1 or for a substantially similar purpose, desiring to do business in this state in furtherance of such purpose for the benefit of citizens of this state, may register as a foreign corporation by making application as provided in [RSA 293-A:114] **RSA 293-A:15.03**, excepting

[293-A:114, I(b), and RSA 293-A:115] **those portions relative to using a form of the words “corporation,” “company,” “incorporated” or “limited” in the corporate name.** Any such foreign nonprofit corporation shall file the return and pay the fee provided in RSA 292:25-29.

4 Reference Change. Amend the introductory paragraph of RSA 301-A:4 to read as follows:

301-A:4 Powers of Association. Each association shall have the following powers in addition to those granted under RSA [293-A:4] **293-A:3.02:**

5 Reference Change. Amend RSA 304-B:49, IV to read as follows:

IV. A statement that the secretary of state is appointed the agent of the foreign limited partnership for service of process if no agent has been appointed under paragraph III or, if appointed, the agent's authority has been revoked or if the agent cannot be found or served with the exercise of reasonable diligence. Service of process shall be made in the manner provided for service upon foreign corporations under RSA [293-A:119-121] **293-A:15.10;**

6 Reference Change. Amend the introductory paragraph of RSA 386-B:8, III to read as follows:

III. The general purpose of a mutual holding company shall be conducting and carrying on the business and activities of a bank holding company. A mutual holding company shall not take deposits. It shall have the general powers of business corporations as set forth in RSA [293-A:4] **293-A:3.02.** A mutual holding company may:

7 Reference Change. Amend RSA 388:13, I and II to read as follows:

I. Any stockholder of a bank shall have the right to dissent from, and to obtain payment for his shares in the event of any merger, consolidation, or other union of banks under the provisions of this chapter. Such right shall be the same as the right provided for in [RSA 293-A:81] **RSA 293-A:13.01 through RSA 293-A:13.31** with respect to mergers and consolidations of business corporations and shall be subject to the same limitations. Any stockholder of a bank electing to assert the right provided for by this section shall do so in accordance with the provisions of RSA [293-A:82] **RSA 293-A:13.01 through RSA 293-A:13.31,** which provisions shall be binding upon the stockholder and upon the bank and shall in all respects govern the perfection and enforcing of the right provided for by this section.

II. If a proposed merger, consolidation, or other union of banks under the provisions of this chapter is submitted to a vote at a meeting of stockholders, the notice of meeting shall notify all stockholders that they have or may have a right to dissent and obtain payment for their shares by complying with the terms of this section and of RSA [293-A:82] **293-A:13.01 through RSA 293-A:13.31** and shall be accompanied by a copy of this section[, RSA 293-A:81, and RSA 293-A:82] **and RSA 293-A:13.01 through RSA 293-A:13.31.**

8 Reference Change. Amend RSA 401:6 to read as follows:

401:6 Certification of Agreement. The articles of agreement shall be submitted to the insurance commissioner, who shall examine same. The commissioner shall not approve the articles of agreement of a company until he is satisfied, by such examination as he may make and such evidence as he may require, that: (1) the incorporators are of good repute and intend in good faith to operate the company; (2) the company has capable management; (3) the company has a reasonable prospect for success in the kind or kinds of business which it proposes to transact; (4) the actuarial projections, policy forms, rates, dividends, commissions, and other expenses contemplated as well as reinsurance, market and taxes are sound and reasonable; and (5) the articles

of agreement otherwise comply with the law. Upon satisfying himself that the foregoing requirements have been met, the commissioner shall so certify by an endorsement upon said articles of agreement, which shall then be recorded in accordance with the provisions of RSA [293-A:55] **293-A:1.20 and RSA 293-A:2.02** provided that copies of the original documents filed with the secretary of state shall also be filed with the insurance commissioner.

9 Reference Change. Amend RSA 401:7 to read as follows:

401:7 Amendment of Charter or Articles of Incorporation. Any insurance company organized under the laws of the state, whether by special charter or under the general law, shall be entitled to amend its charter or articles of incorporation, so as to acquire the authority to do any or all kinds of insurance business which corporations organized under the provisions of this chapter are authorized to do, and may otherwise amend its charter or articles, in any manner not inconsistent with this chapter, by a majority vote of all its stock, or, if a mutual company, by a majority vote of those members present and voting, at a meeting called for that purpose. Any such company may, with approval of the commissioner, increase or reduce its capital stock and, subject to the limitations hereinafter provided, may change the par value of the shares of its capital stock at a meeting called for the purpose, by vote of its stockholders as provided by RSA [293-A:59] **293-A:10.01 through RSA 293-A:10.09**. The par value of the shares of stock of any such company now outstanding or hereafter issued may be such an amount as the commissioner may approve.

10 Reference Change. Amend RSA 401:12 to read as follows:

401:12 Clerk; Registered Agent; Registered Office. In lieu of the provisions of RSA [293-A:12] **293-A:8.40(c)**, every insurer subject to this chapter may have and continuously maintain in this state a clerk who shall be the registered agent of the insurer and who shall be an individual resident of this state whose residence or business office shall be the registered office of the insurer.

11 Reference Change. Amend RSA 401:15 to read as follows:

401:15 Name. Corporations subject to regulation by the insurance commissioner shall not be subject to the requirements of RSA [293-A:8, I(a)] **293-A:4.01(a)(1)** pertaining to the designation of the corporate status and the corporate name but shall be subject to all other provisions of RSA [293-A:8] **293-A:4.01**, except that any filings, including trade names, shall be subject to the examination by and approval of the insurance commissioner before filing with the secretary of state.

12 Reference Change. Amend RSA 401-B:13, II(d) to read as follows:

(d) If the parent corporation is neither a domestic corporation nor an authorized insurer, its agreement to be bound by paragraph VI of this section and RSA [293-A:81-82] **293-A:13.01 through RSA 293-A:13.31** with respect to the plan, its consent to the enforcement against it in this state of the rights of stockholders pursuant to the plan, and a designation of the insurance commissioner as the agent upon whom process may be served against the parent corporation in the manner set forth in RSA 405:10 in any action or proceeding to enforce any such rights; and

13 Reference Change. Amend RSA 401-B:13, VI to read as follows:

VI. A stockholder whose stock is acquired pursuant to this section and who elects to dissent from such acquisition shall, by complying with this paragraph and with RSA [293-A:81-82] **293-A:13.01 through RSA 293-A:13.31**, have the right to receive payment in cash for the fair value of his shares, subject to final approval by the insurance commissioner, by filing a written notice of his election to dissent and a



demand for payment to him for his stock at its fair value with the parent corporation within 30 days after the delivery to him of either a copy of the plan or a summary thereof, pursuant to paragraph IV.

14 Reference Change. Amend RSA 420-A:4-a, I to read as follows:

I. A health service corporation may indemnify any person who serves as director, officer, or trustee of such corporation by contract or by including an indemnity provision in its articles of agreement or bylaws substantially in accordance with RSA [293-A:5] **293-A:8.50 through 293-A:8.58**. Indemnity may be offered for any and all damages occurring on or after January 1, 1991.

15 Effective Date. This act shall take effect January 1, 1993.

Rep. Burling spoke in favor.

Adopted.

Report adopted.

Ordered to third reading.

**SB 382**, establishing a study committee on the selection, nomination and confirmation of judicial appointees. **OUGHT TO PASS**

Rep. Alf E. Jacobson for Judiciary: This bill establishes a special committee to study the process of making judicial appointments. The intention of the proposed committee is to find a consensus pattern of recommending persons for judicial appointment. Vote 10-2.

Rep. Lougee moved that the words Inexpedient to Legislate be substituted for the report of the Committee. Ought to Pass and spoke in favor.

Rep. Jacobson spoke against and yielded to questions.

On a division vote 56 members having voted in the affirmative and 261 in the negative, the motion failed.

Report adopted.

Ordered to third reading.

### SUSPENSION OF RULES

Rep. Donna Sytek moved that the rules be so far suspended as to permit consideration at the present time of **CACR 26**, relating to a personal income tax. Providing that if an income tax is enacted in the state, it shall be limited to a rate no higher than 4 percent.

Rep. Donna Sytek spoke in favor.

Adopted by the necessary two-thirds.

**CACR 26**, relating to a personal income tax. Providing that if an income tax is enacted in the state, it shall be limited to a rate no higher than 4 percent. **INEXPEDIENT TO LEGISLATE**.

Rep. Shawn N. Jasper for Ways and Means: Both opponents and proponents of income tax opposed this CACR, although for different reasons. One side felt that a 4 percent rate was too limiting on the future needs of the state and that the rate should not be placed in the State Constitution. Others on the Committee saw this CACR as a double-edged sword. While it can be seen as an effort to limit any future income tax, its passage could easily be seen as voter approval of such a tax. As a matter of fact any number of conclusions would and could be drawn, either from its passage or defeat, none of which may in fact be the correct one. This type of limit may be best passed after the legislature adopts an income tax, when and if that happens. Vote 14-0.

Adopted.



**ENROLLED BILLS REPORT**

**HB 1151**, establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital for certain state offices.

**HB 1154**, relative to an exemption for the sale of hypodermic syringes for school use.

**HB 1201**, relative to the license fee structure for domestic wine manufacturers.

**HB 1269**, separating the AFDC standard of need from the AFDC payment standards and increasing the AFDC standard of need.

**HB 1353**, relative to civil recovery of damages for shoplifting.

**SB 383**, establishing a committee to recommend a method of screening school district applicants for employment for felony convictions.

Sen. Currier, Rep. Marsh, for the Committee

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet April 23 at 10:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

**SB 346**, relative to certain restraining orders and requiring arrest for certain violations of such restraining orders.

**SB 348**, establishing a committee to study the present and future needs of the correctional system.

**SB 304**, relative to business assistance and institutional arrangements.

**SB 376-FN-A**, relative to congregate services programs.

**SB 393**, relative to infrastructure development and making appropriations therefor.

**SB 441**, establishing a statewide enhanced 911 system and continually appropriating a special fund.

**SB 450-FN**, relative to capital formation.

**SB 339**, relative to regulatory reform.

**SB 308**, revising the business corporation act.

**SB 382**, establishing a study committee on the selection, nomination and confirmation of judicial appointees.

**UNANIMOUS CONSENT**

Rep. Leonard Smith moved that the remarks of Rep. Burling be printed in the Journal.

Adopted.

Rep. Peter Burling addressed the House by unanimous consent.

In Sullivan County, District 1, there is a long tradition among those of us who have served, to do our best to try and find solutions. It is my privilege to serve with Merle Schotanus. I want to stand here and tell you that I think in bringing forward the gas tax proposal, he did his constituents, his party and this House very proud. I am proud to serve with him. If we do not begin to address the real issues that confront this state in a reasoned and appropriate way, pretty soon, we are all going to be in big trouble. Some of our cities and towns are in big trouble already. There will be plenty of heat

for Mr. Schotanus to feel in the next few days. We all know that to be a political truth. But, I for one, think that he and the people who worked with him in bringing that idea forward did us a service. I want to congratulate them. I want to say that I will stand with them the next time that idea comes within shooting range. It is very rare in here that we see a live round of ammunition shoved into the breach. There is only one other revenue issue that I've seen come even close. Colonel, you did us a service. Thank you.

### SENATE MESSAGE CONCURRENCE

**HB 469-A**, relative to improvements on Route 106 and making an appropriation therefor.

**HB 1190**, creating a committee to study ways to clarify the relationship between the legislative bodies and governing bodies in towns, school districts and village districts operating under the town meeting form of government with respect to budgetary matters.

**HB 1238-FN**, authorizing the reconstruction of the Route I-89 exits 18 and 20 interchanges in Lebanon.

**HB 1252-FN**, creating exceptions from and reciprocity for state water laboratory certification, clarifying the use of fees for certifying state water laboratories, and changing the special account into a special continuously appropriated revolving fund account.

**HB 1254**, relative to public employee labor relations board hearings.

**HB 1402-FN**, relative to competitive bidding purchases of services from non-profit organizations by certain state agencies for severely disabled or emotionally disturbed children.

**HB 1405**, relative to appeal of tax assessments to the board of tax and land appeals and the superior court.

**HB 1414-FN-A**, relative to the medicaid plan to enhance the funding of services for children and families and making an appropriation therefor.

**HB 1434**, requiring employers advertising for replacement workers during a strike to state such in any advertisement.

**HB 1447-FN**, increasing witness fees for law enforcement officers.

**HB 1462-FN**, establishing a committee to examine all aspects of parole eligibility.

**HCR 20**, urging the federal government to establish a post office in the town of Lee.

**HCR 28**, urging the federal government to restore full funding for prescription drugs for veterans with service-related disabilities.

Rep. Gross moved that the House adjourn.

Adopted.

The House adjourned at 3:48 p.m.

## HOUSE JOURNAL No. 24

Thursday, April 23, 1992

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, the Reverend Carolyn Keilig, Assistant Pastor, First Congregational Church, Concord.

Throughout the centuries, Almighty God, Your people have debated over and argued about policies, personal and otherwise. We have such strong feelings about who controls our spending, and such wonderful ideas on how we would like our money spent.

We acknowledge, O God, that the decisions made this day will effect thousands of lives. It has been said in ages past, that one should render to Caesar the things that are Caesar's, and to God the things that are God's. Help these legislators, to determine with your wisdom and compassion, where our earnings should go. Grant that in all business brought before this body this day, each person may reflect integrity and justice in his and her vote.

We pray these things this day. Amen.

Rep. William Boucher led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Martling, LaMar, Molner, Morse, Parks, Stewart, Warburton and Guest, the day, illness.

Reps. Arnold, John Young, Richard Soucy, Schmidtchen, Scanlan, Millard, Donald Messier, Flint, Fenton, Fair, Andrew Christie, Carter, Marilyn Campbell, Coffey, Fuller-Clark, Rodgers, Alukonis, Greenglass, Dowling, Sherman Packard, Stamatakis, Dwyer and Kennison, the day, important business.

Rep. Appleby, the day, illness in the family.

### INTRODUCTION OF GUESTS

Nicholas, Heather and Ryan Babka and Joan Cote Cheney, guests of Speaker Burns. Megan Connolly, Patty Crooker, Priscilla Dinan, Jessica Huff, Dawn Karadian, Amy Prunier, Jill Santerre and Teacher Ann Ackerman, the U.S. History Class of Mount Saint Mary High School in Nashua, guests of Reps. Ackerman and Baldizar. Ann, Jamie and John Holland, daughter and grandchildren of Rep. John Chandler. Mary Tarpley, guest of Rep. Tarpley-Bamberger.

### SENATE MESSAGES

#### NONCONCURRENCE WITH AMENDMENT

**SB 411**, relative to special education catastrophic aid.

#### CONCURRENCE WITH AMENDMENTS

**SB 306-FN-A**, allowing bonus payments in recognition of service during the Persian Gulf War.

**SB 436-FN-L**, relative to aid to the permanently and totally disabled and the property tax exemption for the blind.

**SB 437-FN**, relative to the New Hampshire Dental Service Corporation.

**SJR 1-FN**, requiring the department of education to develop a computer education program for public schools.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1136**, relative to regulation of small loans. (Amendment printed SJ 19, 4/21/92)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. C. Dana Christy, Lindblade, Baker and Hogan.

**HB 1138**, relative to the board of trust company incorporation's consideration of petitions for incorporation of savings banks. (Amendment printed SJ 19, 4/21/92)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Krueger, Syracuse and Tsiros.

**HB 1167**, relative to the police commission in the town of Conway. (Amendment printed SJ 19, 4/21/92)

Rep. Ward moved that the House nonconcur.

Adopted.

**HB 689-FN**, relative to implied consent and administrative motor vehicle license suspension. (Amendment printed SJ 19, 4/21/92)

Rep. Lown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lozeau, Richard Campbell, Knowles and Bickford.

**HB 1211**, permitting public employees to file an unfair labor practice complaint after a certain time without exhausting administrative remedies. (Amendment printed SJ 19, 4/21/92)

Rep. Turner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Dow, Elliott and Hawkinson.

**HB 1202**, permitting municipalities that have biennial municipal elections to submit charter changes for approval at biennial state elections. (Amendment printed SJ 19, 4/21/92)

Rep. Grodin moved that the House concur.

Adopted.

**HB 1268**, relative to inspection and permit fees set by local legislative bodies. (Amendment printed SJ 19, 4/21/92)

Rep. Grodin moved that the House concur.

Adopted.

**HB 1308**, relative to technical changes to the municipal charter laws. (Amendment printed SJ 19, 4/21/92)

Rep. Grodin moved that the House concur.

Adopted.

**HB 1501**, relative to unfunded state mandates. (Amendment printed SJ 19, 4/21/92)

Rep. Grodin moved that the House concur.

Adopted.



**HB 1130**, relative to ejecting persons from racetracks whose presence is inconsistent with proper conduct of a race meet and relative to unclaimed pari-mutuel pool tickets. (Amendment printed SJ 16, 4/9/92)

Rep. Robert Kelley moved that the House concur.

Adopted.

### ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

**HB 1052**, relative to the appointment of the executive director of the fish and game department and allowing the governor to make more frequent appointments to the fish and game commission.

The President appointed Sens. Heath, Cohen and Wayne King.

**HB 1182-FN**, authorizing the division of human services to establish a system to recoup child support payments made in error, clarifying confidentiality of certain information and allowing the division to close certain cases.

The President appointed Sens. John King, Podles and McLane.

**HB 1399-FN**, changing the name of the board of examiners of psychologists to the board of examiners of psychology and mental health practice, expanding such board, and certifying mental health counselors.

The President appointed Sens. Currier, Fraser and Pressly.

**HB 1295**, prohibiting discrimination in insurance policies against elected or appointed officials.

The President appointed Sens. Delahunty, Nelson and Bass.

**HB 1123**, establishing procedures for representation in small claims court and authorizing persons to appear for corporations, partnerships, and trusts in district court.

The President appointed Sens. Colantuono, Podles and Hollingworth.

**HB 740-FN**, relative to increasing political expenditure limitations for certain candidates and relative to the penalty for exceeding total expenditure limitations.

The President appointed Sens. Bass, Roberge and Nelson.

**HB 1128**, classifying certain misdemeanors as either class A or Class B.

The President appointed Sens. Colantuono, Hollingworth and Nelson.

**HB 601-FN-A**, establishing a public water access advisory board and a statewide public boat access program and continually appropriating a special fund for the purposes of the program and creating a new class of highways for access to public waters.

The President appointed Sens. Heath, McLane and Cohen.

**HB 1430**, relative to the disclosure of certain information and refunds relating to musical performances.

The President appointed Sens. Bass, Roberge and Nelson.

**HB 1105**, relative to disclosure of campaign contributions by candidates for local and school district elections.

The President appointed Sens. Bass, Roberge and Nelson.

### RECESS SENATE MESSAGES CONCURRENCE WITH AMENDMENT(S)

**SB 314-FN-A-L**, making a supplemental appropriation for the board of tax and land appeals and increasing filing fees for appeals to the board.

**SB 334-FN-A**, authorizing the division of public health services to carry out a rabies surveillance to identify and gauge the threat to the public's health and making an appropriation therefore.

**SB 335-FN**, authorizing the board of marital mediator certification to establish and collect certification fees, certify certain applicants and making an appropriation therefor.

**SB 363**, relative to health insurance coverage of autologous bone marrow transplants in the treatment of breast cancer.

**SB 392**, relative to guardians ad litem and establishing a committee to study the appointment, use, and compensation of guardians ad litem.

**SB 427-FN**, requiring the registration of sexual offenders.

**SB 433-FN**, relative to the registration and equipment standards of motor vehicles known as street rods.

**SB 446-A**, authorizing construction of exit 10 on the Spaulding turnpike from bonds previously authorized and changing the classification of the Salmon Falls road in Rochester and Somersworth to class II.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 263-FN**, establishing a fee structure for used oil marketers. (Amendment printed SJ 11, 3/24/92)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

**HB 1159**, relative to when municipal sewage disposal systems are considered public utilities. (Amendment printed SJ 20, 4/22/92)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

**HB 1278-FN-L**, permitting towns to make bylaws for refuse disposal in specifically-designated bags and altering district court procedure for levying fines against bylaws violators. (Amendment printed SJ 4/22/92)

Rep. Elizabeth Greene moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Richard Campbell, Hultgren, David Cote and Bradley.

**HB 1372-FN**, placing restrictions on the sale and disposal of manganese, zinc carbon, oxide and nickel-cadmium batteries. (Amendment printed SJ 20, 4/22/92)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

**HB 1439**, instituting a motor vehicle emissions inspection program and requiring a study of diesel and other vehicles. (Amendment printed SJ 20, 4/22/92)

Rep. Elizabeth Greene moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bonnie McCann, Bradley, Hanselman and Amanda Merrill.

**HB 1494-FN-L**, implementing the recommendations of the New Hampshire supreme court long-range planning task force regarding the judicial branch. (Amendment printed SJ 20, 4/22/92)

Rep. Lown moved that the House concur.

Adopted.

**HB 1452-FN-L**, allowing the county treasurer to use call bonds and lines of credit as financial management tools. (Amendment printed SJ 19, 4/21/92)

Rep. Grodin moved that the House nonconcur.

Adopted.

**HB 505-FN**, relative to the normal yield tax, the extension of the reporting deadline for the study committee on clearcutting forest resources, the report of cut, and creating a committee to study forest protection and management. (Amendment printed SJ 20, 4/22/92)

Rep. Dickinson moved that the House concur.

Adopted.

### NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

**SB 304-FN-A**, relative to business assistance and institutional arrangements.

The President appointed Sens. Dupont, Shaheen and Wayne King.

Rep. Foss moved that the House accede.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Dowling, Channing Brown and William McCann.

**SB 339**, relative to regulatory reform.

The President appointed Sens. Dupont, Shaheen and Fraser.

Rep. Foss moved that the House accede.

Adopted.

The Speaker appointed Reps. Mercer, Tsiros, Bonnie Packard and Lindblade.

**SB 393**, relative to infrastructure development and making appropriations therefor.

The President appointed Sens. Dupont, Wayne King and Shaheen.

Rep. Bonnie Packard moved that the House accede.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Porter, Channing Brown and Vaughn. Alternate: Rep. Gene Chandler.

**SB 362**, redefining proprietary medicines to include nonprescription medicines and exempting non-pharmacy retail stores and outlets from classification as pharmacies for the purpose of RSA 318.

The President appointed Sens. Currier, Colantuono and Fraser.

Rep. Robert Foster moved that the House accede.

Adopted.

The Speaker appointed Reps. Asplund, Katherine Wheeler, Gordon Wiggin and Lynch.

### UNANIMOUS CONSENT

Reps. Benton and Teschner addressed the House by Unanimous Consent.

### RECESS

### ENROLLED BILLS REPORT

**HB 317**, relative to a minimum service retirement allowance for group II members and making an appropriation for administrative costs.

**HB 470**, relative to health maintenance organizations.

**HB 632**, relative to administrative due process hearings concerning special education disputes and establishing a committee to study alternative methods of dispute resolution for the special education of educationally disabled students.

**HB 1111**, relative to liquor and beverage licensees delinquent in paying accounts and relative to advertising liquor and beverages.

**HB 1142**, permitting the bank commissioner to delegate duties and responsibilities.

**HB 1202**, permitting municipalities that have biennial municipal elections to submit charter changes for approval at biennial state elections, relative to filing for more than one seat on the same municipal board, and relative to the authority of the Concord charter commission.

**HB 1390**, providing a 5 percent cost of living adjustment for teacher members of the retirement system and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

**HB 1429**, relative to accounting for land use change tax funds.

**HB 1141**, relative to retail installment sales of motor vehicles.

**HB 1172**, increasing the amount of the homestead right.

**HB 1339**, requiring the division of human services to report certain obligors to consumer reporting agencies.

**HB 1350**, revising the laws that require a prescription to purchase a hypodermic needle.

**HB 1361**, establishing a committee to study state motor vehicle fleet management.

**HB 1449**, relative to the cost of publishing school laws.

**SB 340**, clarifying the definition of a school district.

**SB 377**, relative to penalties for mortgage brokers who fail to file annual reports.

**SB 414**, authorizing a pilot program in one county for investigative services for attorneys providing counsel to indigent defendants.

**SB 429**, relative to selecting engineers, architects, and surveyors by state agencies.

**SB 467**, requiring evidence of tax payment for the moving of a building or structure.

**SB 474**, relative to regular sessions of a district court in towns within the district.

Sen. Currier and Rep. Dunn for the Committee

## SENATE MESSAGES

### CONCURRENCE WITH AMENDMENTS

**SB 346**, relative to certain orders of protection and to certain restraining orders and requiring arrest for certain violations of such restraining orders and modifying the definition of household member.

**SB 348**, establishing a committee to study the present and future needs of the correctional system.

**SB 441-FN-A**, establishing a statewide enhanced 911 system, continually appropriating a special fund and making an appropriation for initial costs of the system.

### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 1396-FN**, authorizing municipalities to incur debt in the form of bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills and to clean up hazardous waste sites. (Amendment printed SJ 20, 4/22/92)

Rep. Hager moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Beverly Gage, Porter, Channing Brown and Chambers.

**HB 1332**, removing the prohibition on use or possession of tobacco products by minors. (Amendment printed SJ 20, 4/22/92)

Rep. William McCain moved that the House nonconcur and request a Committee of Conference.



Adopted.

The Speaker appointed Reps. William McCain, Lockwood, Robinson and Lionel Johnson.

**HB 1104-FN**, relative to capitalization of the affordable housing fund. (Amendment printed SJ 20, 4/22/92)

Rep. Foss moved that the House nonconcur.

Adopted.

**HB 1455-FN**, relative to motor vehicle laws, including suspension of wholesale motor vehicle dealer's registration, hanging disability placards, and other technical changes. (Amendment printed SJ 20, 4/22/92)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Elizabeth Moore, Burling, Baker and George Katsakiores.

**HB 1491-FN-L**, requiring professional fundraisers for police, law enforcement and firefighters' associations to register with and be regulated by the department of justice, increasing the amount of the registration fee, solicitation fee and bond, and making technical amendments to the registration law. (Amendment printed SJ 20, 4/22/92)

Rep. Foss moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Drolet, Hager, Lown and Knowles.

**HB 497-FN-A**, relative to an equipment challenge grant program for vocational and technical education programs. (Amendment printed SJ 20, 4/22/92)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Channing Brown, Hoelzel, Domaingue and Yeaton.

**HB 1468-FN-L**, relative to special education catastrophic aid. (Amendment printed SJ 20, 4/22/92)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Larson, Skinner, William Riley and Kurk.

**HB 264-FN-A**, placing hazardous waste transporter permit application fees in the hazardous waste cleanup fund. (Amendment printed SJ 20, 4/22/92)

Rep. Elizabeth Greene moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Scanlan Terninko, William Boucher and Ward.

**HB 1344**, requiring the house environment and agriculture and the senate environment committees to review the laws relative to solid waste management. (Amendment printed SJ 18, 4/16/92)

Rep. Elizabeth Greene moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bean, Channing Brown, Elizabeth Greene and Chambers.

**HB 527-FN-A**, licensing speech-language pathologists and making an appropriation therefor. (Amendment printed SJ 21, 4/23/92)

Rep. Robert Foster moved that the House concur.

Adopted.

**HB 1357**, establishing a committee to study the concept of in-home care as an alternative to institutionalized care. (Amendment printed SJ 18, 4/16/92)

Rep. Robert Foster moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Katherine Foster, Douglas Hall, Copenhaver and Amidon.

**HB 1478-FN-L**, restructuring the Pease development authority. (Amendment printed SJ 20, 4/22/92)

Rep. Robert Foster moved that the House nonconcur.

Adopted.

**HB 758-FN**, relative to the right to privacy act. (Amendment printed SJ 20, 4/22/92)

Rep. Lown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Nancy Ford, Jacobson, Lockwood and Wall.

**HB 1408-FN-L**, relative to technical changes in the unemployment compensation law and increasing the amount of taxable wages. (Amendment printed SJ 16, 4/9/92)

Rep. Hawkins moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Baroody, Dyer and Ward.

**HB 1329-FN-L**, specifying the time for the municipal treasurer to make payments of annual budget funds to the village district. (Amendment printed SJ 20, 4/22/92)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Golden, Eva Lawrence, Patricia Cote and Donna Soucy.

**HB 1185-FN**, authorizing the department of transportation to conduct surveys over certain roads, prescribe special rules for student driver training, exempt certain transportation operations from certain motor carrier statutes and relative to laying out class I and II highways. (Amendment printed SJ 18, 4/16/92)

Rep. Gene Chandler moved that the House concur.

Adopted.

**HB 1226-FN**, to protect the department of transportation against liability in the construction and maintenance of highways and highway bridges. (Amendment printed SJ 19, 4/21/92)

Rep. Gene Chandler moved that the House concur.

Adopted.

**HB 1493-A**, relative to extending the east-west highway study deadline. (Amendment printed SJ 20, 4/22/92)

Rep. Beaton Marsh moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Marsh, Frechette, Hager and Robert Johnson.

**HB 1255-FN**, relative to the number of big bingo games charitable organizations may conduct and increasing the one game date prize total value from \$3,500 to \$14,000. (Amendment printed SJ 20, 4/22/92)

Rep. Robert Kelley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robert Kelley, Behrens, Horton and Rosencrantz.

**HB 1050-FN-L**, limiting outdoor advertising devices and increasing permit fees for maintaining outdoor advertising devices. (Amendment printed SJ 20, 4/22/92)

Rep. Dickinson moved that the House nonconcur.

Adopted.

**HB 1314**, establishing a committee to study the need for a public corporation to finance and operate environmental projects for the benefit of the state and making changes in certain water laws. (Amendment printed SJ 20, 4/22/92)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Lewis, Conroy and William Boucher.

**HB 1376-FN-L**, requiring the department of environmental services to assume 20 percent of eligible costs of the Conway sewer system project and making an appropriation for costs payments. (Amendment printed SJ 21, 4/23/92)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. LaMott, Schotanus, Lewis and Raymond Buckley.

**HB 1495-FN**, establishing a committee to study the management of New Hampshire tidal waters and related issues. (Amendment printed SJ 20, 4/22/92)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lewis, Nehring, Jankowski and Felch.

### RESOLUTION

Rep. Gross offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today it be to meet April 29, 1992 at 1:00 p.m.

Adopted.

### SENATE MESSAGES

#### REQUESTS CONCURRENCE WITH AMENDMENTS

**HB 591**, reapportioning the state house of representatives districts. (Amendment printed SJ 21, 4/23/92)

Rep. Flanagan moved that the House concur.

Rep. Cowenhoven spoke in favor and yielded to questions.

Rep. Robinson yielded to questions.

Adopted.

**HB 1453-FN**, establishing a study committee to review existing shellfish waters monitoring and closure procedures. (Amendment printed SJ 20, 4/22/92)

Rep. Drake moved that the House concur.

Adopted.

**HB 1466-FN**, modifying the advisory council on unemployment compensation. (Amendment printed SJ 19, 4/21/92)

Rep. Gross moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hawkins, Turner, Carl Johnson and Drabinowicz.

### **NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE**

**SB 450-FN**, relative to capital formation.

The President appointed Sens. Dupont, Wayne King and Shaheen.

Rep. Trelfa moved that the House accede.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Donna Sytek, Channing Brown and Burling. Alternates: Reps. Grodin and Robert Wheeler.

**SB 475-FN**, relative to retirement system benefits for withdrawing nongovernmental employees.

The President appointed Sens. Russman, Blaisdell and Hough.

Rep. Ward moved that the House refuse to accede.

Adopted.

**SB 376-FN-A**, relative to congregate services programs.

The President appointed Sens. Blaisdell, Hough and Roberge.

Rep. Robert Foster moved that the House accede.

Adopted.

The Speaker appointed Reps. Katherine Foster, Carpenter, Cain and Gordon Wiggins.

**SB 308**, revising the business corporation act.

The President appointed Sens. Podles, Hollingworth and Colantuono.

Rep. Lown moved that the House accede.

Adopted.

The Speaker appointed Reps. Nancy Ford, Elizabeth Moore, Lockwood and Burling.

### **ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

**HB 646**, relative to the disposal of certain solid waste products and leaf and yard waste.

The President appointed Sens. Wayne King, Fraser and Currier.

**HB 1211**, permitting public employees to file an unfair labor practice complaint after a certain time without exhausting administrative remedies.

The President appointed Sens. Currier, John King and Humphrey.

Rep. Gross moved that the House stand in recess for the purpose of setting up Committees of Conference only.

Adopted.

The House recessed at 4:20 p.m.

RECESS



**SENATE MESSAGES  
NONCONCURRENCE**

**HB 1366-FN**, relative to adopting the state operating budget in the second year of the legislative session.

**CACR 6**, relating to taxation of business income and revenue.

**CONCURRENCE**

**HB 1347-A**, designating money for the planning and design of a regional vocational education center in Milford.

**HB 1386-FN-A**, establishing a foundation aid formula study committee, authorizing the committee to hire a consultant to study different methods of financing education and making an appropriation therefor.

**HB 1161**, relative to the composition of the wetlands board.

**HB 1401**, requiring the mandates task force to study the impact of the development of the prison facility in the city of Laconia.

**HB 1474-FN-A**, relative to taxability of real estate transfers.

**HB 1498-FN**, relative to drug forfeiture.

**REQUESTS CONCURRENCE WITH AMENDMENTS**

**HB 1005**, relative to the reapportionment of house districts within cities and the election of delegates to state party conventions. (Amendment printed SJ 21, 4/23/92)

Rep. Gross moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Holden, Flanagan, Cowenhoven and Trombly.

**HB 1117**, relative to the minimum age requirements for liquor license applicants, relative to employing minors in licensed establishments, and relative to games and amusements on the premises of on-sale licensees. (Amendment printed SJ 17, 4/14/92)

Rep. Gross moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Behrens, Klemm, Robert Kelley and Caswell.

**HB 1382**, requiring all sellers of property to fully disclose information relative to private water supplies and septic and sewage disposal systems. (Amendment printed SJ 20, 4/22/92)

Rep. Gross moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Lewis, Jankowski and Wadsworth.

**HB 1400**, relative to the comprehensive shoreland protection act. (Amendment printed SJ 20, 4/22/92)

Rep. Gross moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Leonard Smith, Maviglio and Lewis.

**HB 778-FN**, relative to the laws against discrimination. (Amendment printed SJ 20, 4/22/92)

Rep. Gross moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Tufts, McCarthy, Parr and Doucette.

**NONCONCURS WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE**

**SB 472-FN**, relative to the victim's assistance fund, the definition of obscene material, modifying sexual assault statutes, and continuing a study committee.

The President appointed Sens. Podles, Hollingworth and Russman.

Rep. Gross moved that the House accede.

Adopted.

The Speaker appointed Reps. Lozeau, Richard Campbell, Hultgren and Baldizar.

**ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE**

**HB 264-FN-A**, placing hazardous waste transporter permit application fees in the hazardous waste cleanup fund.

The President appointed Sens. Wayne King, Dupont and Fraser.

**HB 497-FN-A**, relative to an equipment challenge grant program for vocational and technical education programs.

The President appointed Sens. Hough, Blaisdell and Disnard.

**HB 675-FN**, relative to DWI penalties while operating a motor vehicle, OHRV, or boat or while transporting a child.

The President appointed Sens. Hollingworth, Nelson and Russman.

**HB 689-FN**, relative to implied consent and administrative motor vehicle license suspension.

The President appointed Sens. Russman, Colantuono and Hollingworth.

**HB 758-FN**, relative to the right to privacy act.

The President appoint Sens. Podles, Russman and Hollingworth.

**HB 778-FN**, relative to the laws against discrimination.

The President appointed Sens. Podles, Nelson and Russman.

**HB 1005**, relative to the reapportionment of house districts within cities and the election of delegates to state party conventions.

The President appointed Sens. Dupont, Roberge and Disnard.

**HB 1117**, relative to the minimum age requirements for liquor license applicants, relative to employing minors in licensed establishments, and relative to games and amusements on the premises of on-sale licensees.

The President appointed Sens. McLane, Russman and Hollingworth.

**HB 1136**, relative to the regulation of small loans and second mortgage home loans.

The President appointed Sens. Fraser, Disnard and McLane.

**HB 1138**, relative to the board of trust company incorporation's consideration of petitions for incorporation of savings banks.

The President appointed Sens. Fraser, Pressly and McLane.

**HB 1255-FN**, relative to the number of big bingo games charitable organizations may conduct and increasing the one game date prize total value from \$3,500 to \$14,000.

The President appointed Sens. McLane, Russman and John King.

**HB 1314**, establishing a committee to study the need for a public corporation to finance and operate environmental projects for the benefit of the state and making changes in certain water laws.

The President appointed Sens. Wayne King, Dupont and Russman.

**HB 1329-FN-L**, specifying the time for the municipal treasurer to make payments of annual budget funds to the village district.

The President appointed Sens. Bass, Pressly and Roberge.

**HB 1332**, removing the prohibition on use or possession of tobacco products by minors.

The President appointed Sens. John King, McLane and Podles.

**HB 1344-L**, requiring the house environment and agriculture and the senate environment committees to review the laws relative to solid waste management.

The President appointed Sens. Wayne King, Russman and McLane.

**HB 1357**, establishing a committee to study the concept of in-home care as an alternative to institutionalized care.

The President appointed Sens. John King, McLane and Podles.

**HB 1376-FN-L**, requiring the department of environmental services to assume 20 percent of eligible costs of the Conway sewer system project and making an appropriation for costs payments.

The President appointed Sens. Hough, Blaisdell and Dupont.

**HB 1382**, requiring all sellers of property to fully disclose information relative to private water supplies and septic and sewage disposal systems.

The President appointed Sens. Wayne King, Russman and Currier.

**HB 1396-FN**, authorizing municipalities to incur debt in the form of bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills and to clean up hazardous waste sites.

The President appointed Sens. Wayne King, Shaheen and Fraser.

**HB 1400-FN**, relative to the comprehensive shoreland protection act.

The President appointed Sens. Wayne King, Russman and McLane.

**HB 1408-FN-L**, relative to technical changes in the unemployment compensation law and increasing the amount of taxable wages.

The President appointed Sens. Russman, Nelson and Bass.

**HB 1455-FN**, relative to motor vehicle laws, including suspension of wholesale motor vehicle dealer's registration, hanging disability placards, and other technical changes.

The President appointed Sens. Russman, Oleson and Dupont.

**HB 1466-FN**, modifying the advisory council on unemployment compensation.

The President appointed Sens. Hough, Blaisdell and Roberge.

**HB 1468-FN-L**, relative to special education catastrophic aid.

The President appointed Sens. Hough, Disnard and Roberge.

**HB 1491-FN-L**, requiring professional fundraisers for police, law enforcement and firefighters' associations to register with and be regulated by the department of justice, increasing the amount of the registration fee, solicitation fee and bond, and making technical amendments to the registration law.

The President appointed Sens. Podles, Russman and Hollingworth.

**HB 1493-A**, relative to extending the east-west highway study deadline.

The President appointed Sens. Nelson, Shaheen and Hough.

**HB 1495-FN**, establishing a committee to study the management of New Hampshire tidal waters and related issues.

The President appointed Sens. Wayne King, Russman and Hollingworth.

**CONFEREE CHANGES**

**HB 646-FN**, relative to the disposal of certain solid waste products and leaf and yard waste. Rep. Tarpley-Bamberger replaced Rep. Marilyn Campbell.

**HB 778**, relative to the laws against discrimination. Reps. Calawa and Hambrick replaced Reps. Parr and Doucette.

**HB 1128**, classifying certain misdemeanors as either Class A or class B. Rep. Record replaced Rep. Donna Sytek.

**RECESS**

**(Rep. Gross in the Chair)**

**RECONSIDERATION**

Having voted with the prevailing side, Reps. Robert Foster, Burns and Chambers move that the House reconsider its action whereby it nonconcurred with the Senate in the passage of the following entitled bill with amendments, **HB 1478-FN-L**, restructuring the Pease development authority.

Reps. Robert Foster, Burns and Chamber spoke in favor.

Reps. Carter and Gross declared that a conflict of interest existed and they did not participate.

Reconsideration prevailed.

**MOTION**

Rep. Robert Foster moved that the House nonconcur and request a Committee of Conference on **HB 1478-FN-L**, restructuring the Pease development authority

Rep. Robert Foster spoke in favor and yielded to questions.

On a division vote, 235 members having voted in the affirmative and 65 in the negative, the motion passed.

**(Speaker in the Chair)**

The Speaker appointed Reps. Robert Foster, Holmes, Copenhaver and Syracuse.

Rep. John Flanders moved that the House adjourn.

Adopted.



## HOUSE JOURNAL No. 25

Wednesday, April 29, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

Gracious God, though we come before You as a community, each of us has a prayer no one else can share; each of us has requests which others cannot know. Yet You have bound us together to love and forgive one another, and share the common life to which You have called us.

When we grow weary, give us strength. When we discouraged, give us hope. And when our hearts become chilled with indifference, warm them with Your mercy, and inspire us with Your spirit. Amen.

Rep. Klemarczyk led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Morse, Parr, Stewart, Valerie Cook, Mary Molner and Vanderlosk, the day, illness.

Reps. Magoon, Andrew Christie, Ralph Torr, Flint, Schmidtchen, John Young, Paul White, Fenton, Marilyn Campbell, Rodgers, Walsh, A. Gibb Dodge, David Flanders, Michael Hill, Leighton Pratt, Oliver, Ann Torr, Stamatakis, Arnold, Griebisch, McNerney, Daly, Palazzo, Kidder and Haynes, the day, important business.

Reps. Doucette, Irene Pratt and Simon, the day, illness in the family.

### INTRODUCTION OF GUESTS

Roland Roberge, New Hampshire State Banking Commissioner and Michael Hanson, Commissioner of Banks and Small Loan Agencies in Massachusetts, guests of the Speaker. Dr. Jay Clark and Adam Clark, son and grandson of Rep. Eugene Clark. Sally Vogler, wife of Rep. Vogler. Kirstan Knowlton, guest of Rep. Hawkins.

### CONFEREES CHANGE

**SB 375**, allowing the division of parks and recreation to give rewards for information leading to the recovery of stolen division property. Rep. Conroy replaced Rep. John Young.

### COMMITTEE REPORTS

#### CONSENT CALENDAR

Rep. Gross moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

**HR 64**, proclaiming Labor Day 1992 as "Help Yourself-Buy American Day".  
**OUGHT TO PASS.**

Rep. John W. Flanders, Sr. for Labor, Industrial and Rehabilitative Services: It was the feeling of the Labor Committee that we should encourage all Americans to buy American and support our own American labor market and not ship work out of the country. Vote 9-2.

**HR 68**, encouraging the Commission on National and Community Service to provide federal grant moneys for state-wide community service opportunities. **OUGHT TO PASS.**

Rep. Carl R. Johnson for Labor, Industrial and Rehabilitative Services: Encouraging the Commission on National and Community Services to provide federal grant moneys for state-wide community service opportunities through four programs funded by the National and Community Service Act of 1990. Serve - America supporting community service learning for youth; Post-secondary Innovative Projects; Conservation and Youth Service Corps; National and Community Service. Vote 11-0.

### **REGULAR CALENDAR**

**HR 69**, establishing procedures and deadlines for the filing of bills for the 1993 session. **OUGHT TO PASS.**

Rep. Burns for Rules. This house resolution establishes the procedures and deadlines for the filing of legislation for the 1993 legislative session of the general court.

### **HOUSE RESOLUTION NO. 69**

establishing procedures and deadlines for the  
filing of bills for the 1993 session.

Whereas, the implementation of deadlines for the filing of bills in the current session, as approved by the house of representatives in House Resolution 23 on June 9, 1991, has proven to be a significant development in the legislative process; and

Whereas, the schedule in HR 23 permitted House committees to know the full extent of their subjective and quantative bill load prior to the first day of the session; and

Whereas, that allowed the committees to be in full stride with committee hearings the first week of the session; and

Whereas, the schedule assured a measured and steady work flow in the office of legislative services and provided members prompt and ample consideration of their drafting requests; now, therefore, be it:

Resolved by the House of Representatives:

That the following procedures and schedule be adopted for the filing of bills for the 1993 session until the organization of the 1993 general court.

I.(a) In the first-year session, there shall be no limitation on the type of legislation. (House Rule 34(a))

(b) A request shall not be accepted to draft any bill which is the same, or essentially the same, as any other drafting request already accepted by the office of legislative services for introduction in the first-year session, unless approved for drafting and introduction by a majority vote of the House rules committee or by a 2/3 vote of the House. (From House Rule 34(d)(2))

(c) However, the name of the House member whose LSR request was denied due to duplication may be substituted on request for that of the original sponsor should the original sponsor withdraw his or her drafting request prior to the deadline for sign-off of the bill. (From House Rule 34(d)(2))

(d) The speaker of the house shall adjudicate any disagreement concerning the publication of LSRs that may arise between bill sponsors and the office of legislative services. (From House Rule 34 (d)(2))

II. The deadlines for filing legislation for the 1993 session shall be as follows:

Tuesday, September 8, 1992 - First day to file bill-drafting requests for state-agencies.

Thursday, September 10, 1992 - First day that incumbents winning nomination can file, with the office of legislative services, requests for drafting of bills, complete with all supplementary or necessary drafting information for introduction. The office of legislative services shall identify each LSR in language which makes clear the intent of the bill. LSRs, with the name(s) of the sponsor(s), shall be published periodically by the office of legislative services in the house calendar.

Thursday, October 1, 1992 - Final day to file bill-drafting requests for state agencies.

Friday, November 13, 1992 - Final day for reelected incumbents to file bill-drafting requests.

Friday, November 13, 1992 - First day that new members can file bill-drafting requests including all supplementary or necessary drafting information.

Monday, November 16, 1992 - The final day to sign off any agency drafting request shall be 10 calendar days after receipt by the sponsor of the draft legislation from the office of legislative services or November 16, whichever is earlier.

Friday, December 4, 1992 - The final day for reelected incumbents to sign off any drafting request requiring a fiscal note shall be 10 calendar days after receipt by the sponsor of the draft legislation from the office of legislative services or December 4, whichever is earlier.

Wednesday, December 9, 1992 - The final day for newly-elected members to file bill drafting requests, including all supplementary or necessary drafting information.

December 18, 1992 - The final day for all members to sign off drafting requests shall be 10 calendar days after receipt by the sponsor of the draft legislation from the office of legislative services or December 18, whichever is earlier.

Rep. Gross spoke in favor and yielded to questions.

Rep. Betty Hall spoke against.

Rep. Chambers spoke in favor.

### **MOTION TO LAY ON THE TABLE**

Rep. Maviglio moved that **HR 69**, establishing procedures and deadlines for the filing of bills for the 1993 session, be laid on the table.

Roll call request sufficiently seconded.

The question being to lay HR 69 on the table.

**YEAS 74**

**NAYS 250**

**YEAS 74  
BELKNAP**

Accornero, Harry  
Vogler, Charles C.

Joscelyn, William W.  
Zaharchuk, Peter J., Jr.

Maviglio, Steven R.

**CARROLL**

None

**CHESHIRE**

Burnham, Daniel M.  
LaMar, David M.

DePecol, Benjamin J.  
Lynch, Margaret A.

Foster, Katherine D.

**COOS**

Buckley, C. Fitzgerald

**GRAFTON**

Arnesen, Deborah L.  
McIlwaine, Deborah P.

Copenhaver, Marion L.  
Nordgren, Sharon L.

Markley, J. Keith

**HILLSBOROUGH**

Asselin, Robert P.  
Buckley, Raymond  
Dwyer, Patricia R.  
Gosselin, Gerald O.  
Hall, Betty B.  
Jordan, Mary H.  
Leclerc, Charles J.  
Paquette, Rodolphe G.  
Smith, Leonard A.  
Wheeler, David K.

Baldizar, Barbara J.  
Carpenter, Karen A.  
Ferguson, Charles  
Green, Scott E.  
Janas, Gregory  
Keane, Cornelius J.  
Lozeau, Donnalee M.  
Pepino, Leo P.  
Soucy, Donna M.  
Wright, George W.

Baroody, Benjamin C.  
Clemons, Jane A.  
Ferlan, Arthur P.  
Haettenschwiller, Alphonse  
Jean, Claudette R.  
Lawrence, Norman B.  
Martin, Mary Ellen  
Sallada, Roland A.  
Soucy, Richard A.

**MERRIMACK**

Apple, Lowell D.  
Dunn, Miriam D.  
Hall, Douglas E.  
Nichols, Avis B.  
Whittemore, James A.

Braiterman, Thea  
Fair, Patricia A.  
Jacobson, Alf E.  
Soldati, Jennifer G.  
Yeaton, Charles B.

Christie, Thomas J.  
Gilbreth, Robert M.  
Johnson, Joyce M.  
Wallner, Mary Jane

**ROCKINGHAM**

Bell, Juanita L.  
Seward, Russell G.

Kane, Cecelia D.  
Terninko, Margaret B.

McGovern, Cynthia A.  
Warburton, Calvin

**STRAFFORD**

Gilmore, Gary R.  
Keans, Sandra B.  
Vincent, Francis C.

Hambrick, Patricia A.  
Merrill, Amanda A.  
Wall, Janet G.

Jankowski, Peter M.  
O'Brien, John

**SULLIVAN**

Harland, Jane A.

**NAYS 250****BELKNAP**

Bartlett, Gordon E.  
Hawkins, Robert S.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Ziegra, Alice S.

Golden, Paul A.  
Johnson, Carl R.  
Shibley, Arnold P.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.  
Wiggin, Allen R.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Saunders, Howard N.

**CHESHIRE**

Champagne, Richard L.  
Crutchley, Donald O.  
Hogan, James B.  
Laurent, John J.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Clark, Eugene W.  
Feuer, Joseph N.  
Hunt, John B.  
Metzger, Katherine H.  
Perry, David M.  
Young, David A.

Cole, Stacey W.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Mohr, Frederick C., Jr.  
Riley, William A.



**COOS**

Coulombe, Henry W.  
Horton, Lynn C.  
Merrill, Gerald P.  
Therault, Romeo J.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Nelson, Harold D.

Hawkinson, Marie C.  
Mayhew, Josephine  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Driscoll, William J.  
LaMott, Paul I.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.

Bean, Pamela B.  
Chambers, Mary P.  
Guest, Robert H.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Ward, Kathleen W.

Brown, Channing T.  
Christy, C. Dana  
Hill, Richard L.  
Lougee, Richard W.  
Teschner, Douglass P.

**HILLSBOROUGH**

Ackerman, Philip M.  
Amidon, Eleanor H.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Drolet, Paul L.  
Elliott, Larry G.  
Gage, Ruth E.  
Greenglass, Alan B.  
Healy, Daniel J.  
Hultgren, David D.  
Kelley, Dana F.  
Kurk, Neal M.  
Larochelle, Roger B.  
Lefebvre, Roland J.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Murphy, Robert E.  
Ouellette, Robert O.  
Record, Alice B.  
Robinson, Ellen-Ann  
Stiles, Walter A.  
Upton, Barbara A.

Ahrens, Frederick G.  
Andrews, Frederick B.  
Chasse, Richard D.  
Crotty, Edward J.  
Desrosiers, William J.  
Donovan, Francis X.  
Durham, Susan B.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Jasper, Shawn N.  
Kelley, Robert N.  
L'Heureux, Robert J.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
McDowell, James E.  
Messier, Irene M.  
Nardi, Theodora P.  
Packard, Bonnie B.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Tarpley-Bamberger, Nancy L.  
Wheeler, Robert L.

Alukonis, David J.  
Bowers, Dorothy C.  
Cote, David E.  
Daniels, Gary L.  
Dodge, Emma M.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Ford, Nancy M.  
Goulet, Maurice E.  
Hanselman, Gregory L.  
Holden, Carol H.  
Johnson, Lionel W.  
King, Frank P.  
Lachut, Ervin R.  
Lawrence, Eva M.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Peters, Stanley W.  
Rheault, Lillian I.  
Searles, Stanley N., Sr.  
Turgeon, Roland M.  
White, John M.

**MERRIMACK**

Anderson, Eleanor M.  
Boucher, Laurent J.  
Chandler, John P.  
Fillion, Paul R.  
Hayes, Robert C.  
Letourneau, George E.  
Millard, Elizabeth S.  
Teague, Bert

Asplund, Bronwyn L.  
Carter, Susan D.  
Daneault, Gabriel J.  
Gross, Caroline L.  
Holmes, Mary C.  
Lewis, Mary Ann  
Smith, Gerald R.  
Trombly, Rick A.

Barberia, Richard A.  
Chandler, Earle W.  
Feuerstein, Martin  
Hager, Elizabeth S.  
Johnson, C. William  
Lockwood, Robert A.  
Stio, Peter M.  
Weeks, John F., Jr.

**ROCKINGHAM**

Barnes, John S., Jr.	Benton, Richardson D.	Boucher, William P.
Caswell, Albert, Jr.	Chase, Lawrence A., Jr.	Clark, Martha Fuller
Coffey, John J.	Connell, David R.	Conroy, Janet M.
Cote, Patricia L.	DiPietro, Carmela M.	Dowd, Sandra K.
Dowling, Patricia A.	Drake, Herbert R.	Dube, LeRoy S.
Felch, Charles H., Sr.	Flanagan, Natalie S.	Flanders, Harry E.
Flanders, John W., Sr.	Ford, Bert H.	Greene, Elizabeth A.
Hoar, John, Jr.	Hoelzel, Kathleen M.	Hurst, Sharleene P.
Hynes, Carolyn E.	Johnson, Robert A.	Katsakiores, George N.
Katsakiores, Phyllis	Keith, Brenda E.	Klemarczyk, Thaddeus E.
Klemm, Arthur P., Jr.	Lovejoy, Virginia K.	MacDonald, Joseph A.
MacKinnon, Nancy W.	Malcolm, Kenneth W.	McCain, William F.
McCarthy, John J., Jr.	McKinney, Betsy	Melnick, Roy E.
Packard, Sherman A.	Pantelakos, Laura C.	Raynowska, Bernard J.
Rosencrantz, James R.	Roulston, Donald L.	Rubin, George R.
Schanda, Joseph, Sr.	Senter, Marilyn P.	Skinner, Patricia M.
Smith, Arthur W.	Sytek, Donna P.	Sytek, John J.
Thayer, Leroy C.	Tufts, Arthur	Vaughn, Charles L.
Welch, David A.	Wells, Henry E.	Weyler, Kenneth L.
Woods, Deborah L.		

**STRAFFORD**

Appleby, James E.	Bickford, Drucilla	Brown, Julie M.
Corte, Arthur B.	Douglass, Clyde J.	Flynn, Edward J.
Foss, Patricia H.	Frechette, Roland A.	Hashem, Elaine M.
Kincaid, William K.	Kinney, Paula J.	Knowles, William V.
Marston, Robert E.	Martling, W. Kent	Musler, George T.
Nehring, William H.	Pageotte, Donald P.	Parks, Joe B.
Pelley, Janet R.	Spencer, Leo J.	Sullivan, Henry P.
Wheeler, Katherine W.		

**SULLIVAN**

Allison, David C.	Behrens, Thomas A.	Burling, Peter Hoe
Domini, Irene C.	Krueger, Richard H.	Lindblade, Eric N.
Middleton, John A.	Peyron, Fredrik	Porter, Robert H.
Rodeschin, Beverly T.	Schotanus, Merle W.	
and the motion failed.		
The resolution was adopted.		
Ordered to third reading.		

**GOVERNOR'S VETO MESSAGE ON HB 1407**

April 16, 1992

To The Honorable Members of the General Court:

I have this day vetoed House Bill 1407, An Act regulating abortions.

Today, State Law on abortion is superceded by the federal decision in Roe vs. Wade. However, should Roe vs. Wade be overturned, New Hampshire law would once again be applicable. Up until the finding of Roe vs. Wade abortions were illegal in New Hampshire except where the life of the mother was in danger. The Legislature has now passed legislation which would repeal the prior New Hampshire law. The effect of this action would be to eliminate all laws governing abortion in New Hamp-

shire thus allowing abortions at any time during a pregnancy for any reason, making New Hampshire the most liberal state in the nation in this area should Roe vs. Wade be overturned.

Although our present laws have problems and should be amended to remove their antiquated approach relative to criminal penalties and to include addressing the issues of rape and incest, thus substantially improving them, I do believe they are better than leaving the state without any laws. Thus I have vetoed this bill.

Judd Gregg, GOVERNOR

Reps. Hager, Burling, Katherine Wheeler and Lown offered the following:

#### HOUSE RESOLUTION NO. 70

requesting an opinion of the justices concerning the constitutionality of certain laws relative to abortion.

Whereas, House Bill 1407, "An act repealing laws relative to abortion", RSA 585:12, 13, and 14, is currently before the House of Representatives for reconsideration following passage by the House, passage by the senate, and veto by the governor; and

Whereas, since the United States Supreme Court's decision in Roe v. Wade, 410 U.S. 113 (1973), these statutes have been unenforceable; and

Whereas, for 19 years abortions have been available in New Hampshire, and during this time abortions have been regulated as part of the practice of medicine, but not prohibited; and

Whereas, for 19 years there have been no prosecutions brought under these statutes, and the people of New Hampshire have relied on the lack of prosecutions in shaping their conduct; and

Whereas, the factual basis underlying these statutes has changed so that the conditions the statute was enacted to address no longer exist, see State v. Millette, 299 A.2d 150, 154 (N.H. 1972); now, therefore, be it

Resolved by the House:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following question of law:

Are RSA 585:12, 13, and 14 invalid, unenforceable and unconstitutional under any provision of the United States Constitution or the New Hampshire Constitution?

That the clerk of the house of representatives transmit copies of this resolution and HB 1407 to the Justices of the New Hampshire Supreme Court.

Rep. Hager spoke in favor and yielded to questions.

Reps. Donna Sytek and Burling spoke in favor.

Roll call request sufficiently seconded.

The question being the adoption of the resolution.

**YEAS 255**

**NAYS 76**

#### **YEAS 255 BELKNAP**

Bartlett, Gordon E.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Joscelyn, William W.  
Shibley, Arnold P.  
Ziegra, Alice S.

Hawkins, Robert S.  
Maviglio, Steven R.  
Turner, Robert H.

**CARROLL**

Allard, Nanci A.  
 Dickinson, Howard C.  
 Wiggin, Allen R.

Beach, Mildred A.  
 Foster, Robert W.  
 Wiggin, Gordon E.

Bradley, Jeb E.  
 Saunders, Howard N.

**CHESHIRE**

Burnham, Daniel M.  
 Cole, Stacey W.  
 Feuer, Joseph N.  
 Hogan, James B.  
 Lynch, Margaret A.  
 Pearson, Gertrude B.  
 Sawyer, Alfred P.

Champagne, Richard L.  
 Crutchley, Donald O.  
 Foster, Katherine D.  
 Hunt, John B.  
 Metzger, Katherine H.  
 Perry, David M.  
 Young, David A.

Clark, Eugene W.  
 DePecol, Benjamin J.  
 Grodin, Richard A.  
 LaMar, David M.  
 Mohr, Frederick C., Jr.  
 Riley, William A.

**COOS**

Buckley, C. Fitzgerald  
 Horton, Lynn C.  
 Mayhew, Josephine  
 Pratt, Leighton C.

Coulombe, Henry W.  
 Kilbride, Dennis J.  
 Merrill, Gerald P.

Hawkinson, Marie C.  
 Marsh, Beaton  
 Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
 Brown, Patricia B.  
 Copenhaver, Marion L.  
 LaMott, Paul I.  
 McIlwaine, Deborah P.  
 Teschner, Douglass P.

Arnesen, Deborah L.  
 Chambers, Mary P.  
 Guest, Robert H.  
 Larson, Nils H., Jr.  
 Nordgren, Sharon L.  
 Trelfa, Richard T.

Brown, Channing T.  
 Christy, C. Dana  
 Hill, Richard L.  
 Lougee, Richard W.  
 Scanlan, David M.  
 Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
 Amidon, Eleanor H.  
 Baldizar, Barbara J.  
 Calawa, Leon, Jr.  
 Cote, David E.  
 Daigle, Robert A.  
 Durham, Susan B.  
 Elliott, Larry G.  
 Fields, Dennis H.  
 Gosselin, Gerald O.  
 Haettenschwiller, Alphonse  
 Holden, Carol H.  
 Jasper, Shawn N.  
 Jordan, Mary H.  
 Kelley, Robert N.  
 Lachut, Ervin R.  
 Leclerc, Charles J.  
 Mason, Howard F.  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Record, Alice B.  
 Rothhaus, Finlay C.

Ahrens, Frederick G.  
 Andrews, Frederick B.  
 Baroody, Benjamin C.  
 Chasse, Richard D.  
 Cowenhoven, Garret P.  
 Dodge, Emma M.  
 Dwyer, Patricia R.  
 Ferguson, Charles  
 Ford, Nancy M.  
 Goulet, Maurice E.  
 Hall, Betty B.  
 Hultgren, David D.  
 Jean, Claudette R.  
 Keane, Cornelius J.  
 King, Frank P.  
 Larochelle, Roger B.  
 Lown, Elizabeth D.  
 McCann, Bonnie Lou  
 Messier, Irene M.  
 Packard, Bonnie B.  
 Rheault, Lillian I.  
 Sallada, Roland A.

Alukonis, David J.  
 Asselin, Robert P.  
 Buckley, Raymond  
 Clemons, Jane A.  
 Crotty, Edward J.  
 Drolet, Paul L.  
 Dyer, Merton S.  
 Ferlan, Arthur P.  
 Gage, Ruth E.  
 Green, Scott E.  
 Hanselman, Gregory L.  
 Janas, Gregory  
 Johnson, Lionel W.  
 Kelley, Dana F.  
 Kurk, Neal M.  
 Laughlin, J. Francis  
 Lozeau, Donnalee M.  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Peters, Stanley W.  
 Robinson, Ellen-Ann  
 Searles, Stanley N., Sr.



Smith, Leonard A.  
Stiles, Walter A.  
White, John M.

Soucy, Donna M.  
Tarpley-Bamberger, Nancy L.  
Upton, Barbara A.

### MERRIMACK

Anderson, Eleanor M.  
Braiterman, Thea  
Chandler, John P.  
Feuerstein, Martin  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, C. William  
Lewis, Mary Ann  
Nichols, Avis B.  
Teague, Bert  
Weeks, John F., Jr.

Apple, Lowell D.  
Carter, Susan D.  
Dunn, Miriam D.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Johnson, Joyce M.  
Lockwood, Robert A.  
Smith, Gerald R.  
Trombly, Rick A.  
Yeaton, Charles B.

Asplund, Bronwyn L.  
Chandler, Earle W.  
Fair, Patricia A.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Jacobson, Alf E.  
Letourneau, George E.  
Millard, Elizabeth S.  
Soldati, Jennifer G.  
Wallner, Mary Jane

### ROCKINGHAM

Bell, Juanita L.  
Clark, Martha Fuller  
Cote, Patricia L.  
Drake, Herbert R.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
MacKinnon, Nancy W.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Roulston, Donald L.  
Senter, Merilyn P.  
Syracusa, Anthony  
Terninko, Margaret B.  
Vaughn, Charles L.  
Woods, Deborah L.

Benton, Richardson D.  
Connell, David R.  
DiPietro, Carmela M.  
Dube, LeRoy S.  
Ford, Bert H.  
Hurst, Sharleene P.  
Kane, Cecelia D.  
Lovejoy, Virginia K.  
Malcolm, Kenneth W.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Rubin, George R.  
Seward, Russell G.  
Sytek, Donna P.  
Thayer, Leroy C.  
Wells, Henry E.

Caswell, Albert, Jr.  
Conroy, Janet M.  
Dowling, Patricia A.  
Flanagan, Natalie S.  
Greene, Elizabeth A.  
Hynes, Carolyn E.  
Katsakiores, George N.  
MacDonald, Joseph A.  
McCain, William F.  
McKinney, Betsy  
Rosencrantz, James R.  
Schanda, Joseph, Sr.  
Skinner, Patricia M.  
Sytek, John J.  
Tufts, Arthur  
Weyler, Kenneth L.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Foss, Patricia H.  
Hashem, Elaine M.  
Kinney, Paula J.  
Merrill, Amanda A.  
O'Brien, John  
Pelley, Janet R.  
Wall, Janet G.

Bickford, Drucilla  
Douglass, Clyde J.  
Gilmore, Gary R.  
Keans, Sandra B.  
Knowles, William V.  
Musler, George T.  
Pageotte, Donald P.  
Spencer, Leo J.  
Wheeler, Katherine W.

Brown, Julie M.  
Flynn, Edward J.  
Hambrick, Patricia A.  
Kincaid, William K.  
Martling, W. Kent  
Nehring, William H.  
Parks, Joe B.  
Vincent, Francis C.

### SULLIVAN

Allison, David C.  
Harland, Jane A.  
Porter, Robert H.

Behrens, Thomas A.  
Krueger, Richard H.  
Schotanus, Merle W.

Burling, Peter Hoe  
Lindblade, Eric N.

**NAYS 76  
BELKNAP**

Accornero, Harry  
Rice, Thomas E. P., Jr.

Golden, Paul A.  
Zaharchuk, Peter J., Jr.

Johnson, Carl R.

**CARROLL**

Daly, Robert J., Jr.

Jean, Robert R.

**CHESHIRE**

Laurent, John J.

**COOS**

Brungot, Catherine V.

Guay, Lawrence J.

Theriacult, Romeo J.

**GRAFTON**

Driscoll, William J.

Markley, J. Keith

Nielsen, Niels F., Jr.

**HILLSBOROUGH**

Bourque, Ann J.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Emerton, Lawrence A.  
Gureckis, Adam C., Sr.  
L'Heureux, Robert J.  
Lefebvre, Roland J.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Riley, Frances L.  
Wheeler, Robert L.

Bowers, Dorothy C.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Gagnon, Eugene L.  
Healy, Daniel J.  
Lawrence, Eva M.  
Martin, Mary Ellen  
O'Rourke, Joanne A.  
Pepino, Leo P.  
Turgeon, Roland M.  
Wright, George W.

Carpenter, Karen A.  
Desrosiers, William J.  
Drabinowicz, A. Theresa  
Greenglass, Alan B.  
Healy, Walter F.  
Lawrence, Norman B.  
McDowell, James E.  
Ouellette, Robert O.  
Reidy, Frank J.  
Wheeler, David K.

**MERRIMACK**

Barberia, Richard A.  
Daneault, Gabriel J.

Boucher, Laurent J.  
Stio, Peter M.

Christie, Thomas J.  
Whittemore, James A.

**ROCKINGHAM**

Barnes, John S., Jr.  
Coffey, John J.  
Flanders, Harry E.  
Keith, Brenda E.  
Raynowska, Bernard J.  
Welch, David A.

Boucher, William P.  
Dowd, Sandra K.  
Hoelzel, Kathleen M.  
Klemarczyk, Thaddeus E.  
Smith, Arthur W.

Chase, Lawrence A., Jr.  
Felch, Charles H., Sr.  
Katsakiores, Phyllis  
Melnick, Roy E.  
Warburton, Calvin

**STRAFFORD**

Frechette, Roland A.  
Sullivan, Henry P.

Jankowski, Peter M.

Marston, Robert E.

**SULLIVAN**

Domini, Irene C.  
Rodeschin, Beverly T.

Middleton, John A.

Peyron, Fredrik

and the resolution was adopted.

**LAI D ON THE TABLE**

Reps. Hager and Burling moved that **HB 1407**, repealing laws relative to abortion be laid on the table.

Roll call request sufficiently seconded.

The question being to lay HB 1407 on the table.

**YEAS 254****NAYS 78****YEAS 254****BELKNAP**

Bartlett, Gordon E.  
Holbrook, Robert G.  
Shibley, Arnold P.  
Ziegra, Alice S.

Campbell, Richard H., Jr.  
Joscelyn, William W.  
Turner, Robert H.

Hawkins, Robert S.  
Maviglio, Steven R.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Chandler, Gene G.  
Saunders, Howard N.

Beach, Mildred A.  
Dickinson, Howard C.  
Wiggin, Allen R.

Bradley, Jeb E.  
Foster, Robert W.  
Wiggin, Gordon E.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Stacey W.  
Feuer, Joseph N.  
Hogan, James B.  
LaMar, David M.  
Mohr, Frederick C., Jr.  
Riley, William A.

Champagne, Richard L.  
Crutchley, Donald O.  
Foster, Katherine D.  
Hunt, John B.  
Lynch, Margaret A.  
Pearson, Gertrude B.  
Young, David A.

Clark, Eugene W.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Perry, David M.

**COOS**

Buckley, C. Fitzgerald  
Horton, Lynn C.  
Mayhew, Josephine  
Pratt, Leighton C.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Merrill, Gerald P.

Hawkinson, Marie C.  
Marsh, Beaton  
Nelson, Harold D.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Copenhaver, Marion L.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

Arnesen, Deborah L.  
Chambers, Mary P.  
Guest, Robert H.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Trelfa, Richard T.

Brown, Channing T.  
Christy, C. Dana  
Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ackerman, Philip M.  
Amidon, Eleanor H.  
Baldizar, Barbara J.  
Buckley, Raymond  
Clemons, Jane A.  
Crotty, Edward J.  
Drolet, Paul L.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Gage, Ruth E.  
Green, Scott E.  
Hanselman, Gregory L.  
Janas, Gregory  
Jordan, Mary H.  
Kelley, Robert N.

Ahrens, Frederick G.  
Andrews, Frederick B.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Cote, David E.  
Daigle, Robert A.  
Durham, Susan B.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Haettenschwiller, Alphonse  
Holden, Carol H.  
Jean, Claudette R.  
Keane, Cornelius J.  
Kurk, Neal M.

Alukonis, David J.  
Asselin, Robert P.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Dodge, Emma M.  
Dwyer, Patricia R.  
Ferguson, Charles  
Ford, Nancy M.  
Goulet, Maurice E.  
Hall, Betty B.  
Hultgren, David D.  
Johnson, Lionel W.  
Kelley, Dana F.  
Lachut, Ervin R.

Leclerc, Charles J.  
Mason, Howard F.  
McRae, Karen K.  
Moore, Elizabeth A.  
Packard, Bonnie B.  
Rheault, Lillian I.  
Sallada, Roland A.  
Soucy, Richard A.  
Upton, Barbara A.

Lown, Elizabeth D.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Murphy, Robert E.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Stiles, Walter A.  
White, John M.

Lozeau, Donnalee M.  
McDowell, James E.  
Messier, Irene M.  
O'Rourke, Joanne A.  
Record, Alice B.  
Rothhaus, Finlay C.  
Soucy, Donna M.  
Tarpley-Bamberger, Nancy L.

### MERRIMACK

Anderson, Eleanor M.  
Carter, Susan D.  
Dunn, Miriam D.  
Fillion, Paul R.  
Hager, Elizabeth S.  
Holmes, Mary C.  
Johnson, Joyce M.  
Millard, Elizabeth S.  
Soldati, Jennifer G.  
Wallner, Mary Jane

Apple, Lowell D.  
Chandler, Earle W.  
Fair, Patricia A.  
Gilbreth, Robert M.  
Hall, Douglas E.  
Jacobson, Alf E.  
Letourneau, George E.  
Nichols, Avis B.  
Teague, Bert  
Weeks, John F., Jr.

Braiterman, Thea  
Chandler, John P.  
Feuerstein, Martin  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, C. William  
Lockwood, Robert A.  
Smith, Gerald R.  
Trombly, Rick A.  
Yeaton, Charles B.

### ROCKINGHAM

Bell, Juanita L.  
Chase, Lawrence A., Jr.  
Conroy, Janet M.  
Dowling, Patricia A.  
Flanders, John W., Sr.  
Hoar, John, Jr.  
Hynes, Carolyn E.  
Katsakiores, George N.  
Lovejoy, Virginia K.  
Malcolm, Kenneth W.  
McKinney, Betsy  
Rosencrantz, James R.  
Schanda, Joseph, Sr.  
Skinner, Patricia M.  
Sytek, John J.  
Tufts, Arthur  
Weyler, Kenneth L.

Benton, Richardson D.  
Clark, Martha Fuller  
Cote, Patricia L.  
Drake, Herbert R.  
Ford, Bert H.  
Hoelzel, Kathleen M.  
Johnson, Robert A.  
Katsakiores, Phyllis  
MacDonald, Joseph A.  
McCain, William F.  
Packard, Sherman A.  
Roulston, Donald L.  
Senter, Marilyn P.  
Syracusa, Anthony  
Terninko, Margaret B.  
Vaughn, Charles L.  
Woods, Deborah L.

Caswell, Albert, Jr.  
Connell, David R.  
DiPietro, Carmela M.  
Flanagan, Natalie S.  
Greene, Elizabeth A.  
Hurst, Sharleene P.  
Kane, Cecelia D.  
Klemm, Arthur P., Jr.  
MacKinnon, Nancy W.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Rubin, George R.  
Seward, Russell G.  
Sytek, Donna P.  
Thayer, Leroy C.  
Wells, Henry E.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Foss, Patricia H.  
Hashem, Elaine M.  
Kinney, Paula J.  
Martling, W. Kent  
Nehring, William H.

Bickford, Drucilla  
Douglass, Clyde J.  
Gilmore, Gary R.  
Keans, Sandra B.  
Knowles, William V.  
Merrill, Amanda A.  
O'Brien, John

Brown, Julie M.  
Flynn, Edward J.  
Hambrick, Patricia A.  
Kincaid, William K.  
Marston, Robert E.  
Musler, George T.  
Pageotte, Donald P.



Parks, Joe B.  
Sullivan, Henry P.  
Wheeler, Katherine W.

Pelley, Janet R.  
Vincent, Francis C.

Spencer, Leo J.  
Wall, Janet G.

#### **SULLIVAN**

Allison, David C.  
Harland, Jane A.  
Porter, Robert H.

Behrens, Thomas A.  
Krueger, Richard H.  
Schotanus, Merle W.

Burling, Peter Hoe  
Lindblade, Eric N.

#### **NAYS 78 BELKNAP**

Accornero, Harry  
Rice, Thomas E. P., Jr.

Golden, Paul A.  
Rosen, Ralph J.

Johnson, Carl R.  
Zaharchuk, Peter J., Jr.

#### **CARROLL**

Daly, Robert J., Jr.

Jean, Robert R.

#### **CHESHIRE**

Laurent, John J.

Sawyer, Alfred P.

#### **COOS**

Brungot, Catherine V.

Guay, Lawrence J.

Theriault, Romeo J.

#### **GRAFTON**

Driscoll, William J.

Markley, J. Keith

Nielsen, Niels F., Jr.

#### **HILLSBOROUGH**

Bourque, Ann J.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Gagnon, Eugene L.  
Healy, Daniel J.  
King, Frank P.  
Laughlin, J. Francis  
Lefebvre, Roland J.  
Ouellette, Robert O.  
Reidy, Frank J.  
Turgeon, Roland M.  
Wright, George W.

Carpenter, Karen A.  
Desrosiers, William J.  
Drabinowicz, A. Theresa  
Greenglass, Alan B.  
Healy, Walter F.  
L'Heureux, Robert J.  
Lawrence, Eva M.  
Martin, Mary Ellen  
Paquette, Rodolphe G.  
Riley, Frances L.  
Wheeler, David K.

Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Elliott, Larry G.  
Gureckis, Adam C., Sr.  
Jasper, Shawn N.  
Larochelle, Roger B.  
Lawrence, Norman B.  
Nardi, Theodora P.  
Pepino, Leo P.  
Searles, Stanley N., Sr.  
Wheeler, Robert L.

#### **MERRIMACK**

Asplund, Bronwyn L.  
Christie, Thomas J.  
Stio, Peter M.

Barberia, Richard A.  
Daneault, Gabriel J.  
Whittemore, James A.

Boucher, Laurent J.  
Lewis, Mary Ann

#### **ROCKINGHAM**

Barnes, John S., Jr.  
Dowd, Sandra K.  
Flanders, Harry E.  
McCarthy, John J., Jr.  
Smith, Arthur W.

Boucher, William P.  
Dube, LeRoy S.  
Keith, Brenda E.  
Melnick, Roy E.  
Warburton, Calvin

Coffey, John J.  
Felch, Charles H., Sr.  
Klemarczyk, Thaddeus E.  
Raynowska, Bernard J.  
Welch, David A.

#### **STRAFFORD**

Frechette, Roland A.

**SULLIVAN**

Domini, Irene C.

Middleton, John A.

Peyron, Fredrik

Rodeschin, Beverly T.

and the motion was adopted.

**REMOVED FROM THE TABLE**

Rep. Donna Sytek moved that **HR 21**, affirming revenue estimates for fiscal years 1992 and 1993, be removed from the table. (Pending question: third reading and final passage)

Adopted.

The Committee on Ways and Means offered an amendment.

6067L

**Floor Amendment**

Amend the resolution by replacing all after the resolving clause with the following:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 1992 and 1993:

GENERAL FUND	1992	1993
Beer	\$ 11,500,000	\$ 11,500,000
Board and care	19,000,000	21,000,000
Medicaid hospital reimbursement	156,000,000	164,000,000
Business profits tax	78,000,000	80,000,000
Estate and legacy tax	23,500,000	25,000,000
Insurance	43,000,000	44,000,000
Interest and dividend tax	34,000,000	35,000,000
Liquor	64,000,000	67,000,000
Meals and rooms tax	91,000,000	94,000,000
Parks income	3,500,000	3,500,000
Dog racing	5,000,000	4,700,000
Horse racing	3,500,000	4,300,000
Real estate transfer tax	34,000,000	28,000,000
Communications tax	26,000,000	27,000,000
Cigarette tax	39,500,000	39,000,000
Utilities	23,000,000	24,000,000
Other	37,000,000	38,000,000
Courts	20,000,000	21,000,000
Savings bank tax	8,000,000	9,000,000
Total	\$719,500,000	\$740,000,000
HIGHWAY FUND		
Gasoline Road Toll	\$ 94,060,000	\$ 96,875,000
Motor Vehicle Fees	53,520,000	54,540,000
Miscellaneous	8,450,000	8,450,000
Total	\$156,030,000	\$159,865,000
FISH AND GAME FUND		
Fish and Game Licenses	\$ 5,868,700	\$ 6,015,400
Fines and Penalties	85,000	85,000
Miscellaneous Sales	491,500	491,500

Indirect Costs	50,000	50,000
Total	\$ 6,495,200	\$ 6,641,900

Rep. Donna Sytek spoke in explanation of HR 21 and yielded to questions.

Rep. Hayes yielded to questions.

Amendment adopted.

### LAIID ON THE TABLE

Rep. Donna Sytek moved that **HR 21**, affirming revenue estimates for fiscal years 1992 and 1993, be laid on the table.

Adopted.

### ENROLLED BILLS REPORT

**HB 504**, requiring licensure of medical utilization review entities.

**HB 591**, reapportioning the state house of representatives and the state senate districts.

**HB 1113**, relative to compatible and conflicting liquor and beverage licenses.

**HB 1115**, changing obsolete references within the liquor laws.

**HB 1139**, relative to persons licensed to offer second mortgage home loans.

**HB 1166**, changing the definition of "commercial boat" for the purposes of boat registration and granting a muffler exemption for antique and classic boats.

**HB 1178**, extending appropriations for the Manchester district court facility and for the department of environmental services.

**HB 1191**, prohibiting insurance companies from nonrenewing a homeowner's policy solely on the basis that a claim has been filed.

**HB 1222**, authorizing schools to modify authorized regional enrollment area (AREA) agreements.

**HB 1296**, relative to beverage and liquor licenses for motor vehicle racetracks and removing a prohibition on certain card games.

**HB 1318**, repealing a provision of the business corporations act concerning application for reinstatement of charters, relative to the annual reports of beverage vendors and beverage vendor importers, and reinstating the charter of Rosetta Stone Associates, Inc.

**HB 1342**, relative to the location and establishment of a state veterans' cemetery and making an appropriation therefor.

**HB 1448**, relative to the loyalty oath for teachers.

**HB 1451**, relative to the transportation of pupils living within a certain distance from the school to which they are assigned.

**HB 1465**, relative to the taxation and transfer of restricted land.

**HB 1501**, relative to unfunded state mandates.

**SB 311**, exempting certified fire investigators and certain towing companies from licensure under the detective agencies and securities services act, changing the qualification for fire investigators and changing the date for renewal or reinstatement of private detective licenses.

**SB 316**, establishing a committee to study cable television rates and the possibility of introducing competition into the marketplace in order to lower rates.

**SB 350**, expanding the membership of the task force on mental health and criminal justice and continuing the study of the interactions between the mental health and criminal justice systems.

**SB 371**, establishing a committee to study the feasibility of year-round schools.

**SB 382**, establishing a study committee on the selection, nomination and confirmation of judicial appointees.

**SB 425**, relative to statement of expenses for costs incurred for response to forest and brush fires.

**SB 441**, establishing a statewide enhanced 911 system, continually appropriating a special fund and making an appropriation for initial costs of the system.

**SB 471**, authorizing child day care to certain AFDC clients.

Reps. Marsh and Dunn, for the Committee

### SENATE MESSAGE

#### ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 1478 FN-L**, restructuring the Pease development authority.

The President appointed Sens. Dupont, Cohen and Fraser.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet May 6 at 10:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HR 64**, proclaiming Labor Day 1992 as "Help Yourself-Buy American Day".

**HR 68**, encouraging the Commission on National and Community Service to provide federal grant moneys for state-wide community service opportunities.

**HR 69**, establishing procedures and deadlines for the filing of bills for the 1993 session.

**HR 70**, requesting an opinion of the justices concerning the constitutionality of certain laws relative to abortion.

Rep. Gross moved that the House stand in recess for the purpose of enrolling reports only.

Adopted.

The House recessed at 3:05 p.m.

### RECESS

### CONFERENCE CHANGES

**HB 1123**, establishing procedures for representation in small claims court and authorizing persons to appear for corporations, partnerships, and trusts in district court. Rep. Wall replaced Rep. Burling.

**HB 1128**, classifying certain misdemeanors as either class A or class B. Rep. Donna Sytek replaced Rep. Record.

**HB 1138**, relative to the board of trust company incorporation's consideration of petitions for incorporation of savings banks. Rep. Porter replaced Rep. Tsiros.



**HB 1430**, relative to the disclosure of certain information and refunds relating to musical performances. Rep. Gross replaced Rep. Hunt.

**HB 1478-FN-L**, restructuring the Pease development authority. Rep. Ziegler replaced Rep. Copenhaver.

**SB 339**, relative to regulatory reform. Reps. Krueger, Drolet and Syracuse replaced Reps. Mercer, Tsiros and Lindblade.

**SB 339**, relative to regulatory reform. Rep. Porter replaced Rep. Drolet.

Rep. Michael Hill moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 26

Wednesday, May 6, 1992

The House assembled at 10:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O God of all the nations, hear our prayers for these United States of America, and especially for those who live in our inner cities. As we seek peace and reconciliation in the wake of recent violence, we pray that You would heal hearts that have been broken, and that You would comfort and strengthen those whose lives and dreams have been shattered.

Out of this present crisis help us to fashion a nation whose citizens enjoy greater equality and who are inspired by justice and filled with mercy. Amen.

Rep. Benton led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Tate, Stewart, Parr, Morse, Hynes and Anderson, the day, illness.

Reps. Zaharchuk, David Flanders, Griebisch, Harland, John Flanders, Hoar, Carpenter, Guest, Perry, Whittemore, A. Gibb Dodge, Paul White, Mercer, Musler and Magoon, the day, important business.

Rep. Simon, the day, illness in the family.

### INTRODUCTION OF GUESTS

Carol Yennaco, guest of Reps. Klemm and Skinner. Hud Coughlin, guest of Rep. Malcolm. Former Rep. William Hounsell, guest of Rep. Allard. Dwight and Fran Broadstone, guests of Rep. Barberia. Mark Gilman, guest of Rep. Laughlin. Deborah Jean Howard, the reigning Miss New Hampshire, guest of Speaker Burns.

### ENROLLED BILLS AMENDMENTS

**HB 1164**, relative to seaplanes operating on bodies of water in New Hampshire.

#### Amendment

Amend RSA 270:12, I as inserted by section 2 of the bill by replacing it with the following:

270:12 Operating Restrictions.

**I.** The commissioner of safety shall, after receiving a petition signed by 25 or more residents or property owners of each affected town or towns in which a lake, pond or river is located and after notice and hearing, at which it appears that the public interest requires, adopt rules under RSA 541-A governing the maximum horsepower of boat engines and outboard motors or prescribe maximum speed limits for the operation of such boats or outboard motors applicable to or upon all or any portion of the public waters of this state. The commissioner of safety shall, in like manner and after notice and hearing, prohibit the use of motorboats and outboard motors on bodies of public water having an area of 35 acres or less; provided, that said prohibition shall not be construed as affecting the bodies of water covered by RSA 270:75-109. Hearings under this section shall be held in the vicinity of the body of water under consideration during the months of June, July, August and September following the date of the petition.

**HB 1227-A**, decreasing the bonding authorized relative to the Manchester access ramp project.

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

decreasing the bonding authorized relative to the Manchester  
access ramp project and repealing a provision relating  
to improvements on Gosling Road

**SB 436-FN-L**, relative to aid to the permanently and totally disabled and the property tax exemption for the blind.

6161L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT** relative to the property tax exemption for the blind.

**SJR 1-FN**, requiring the department of education to develop a computer education program for public schools.

6198L

**Amendment**

Amend the title of the joint resolution by replacing it with the following:

**JOINT RESOLUTION**: requiring the department of education to develop computer education guidelines for public schools.

Amend the first paragraph after the resolving clause by replacing it with the following:

That the department of education prepare, develop and administer computer education guidelines for our public schools. The guidelines shall include instruction in operation and shall address health and safety issues inherent in computer use; and

**ENROLLED BILLS REPORT**

**HB 1126**, allowing the public utilities commission to appoint a receiver or to take over the operations of any utility with annual revenues below \$2,000,000 which fails to provide adequate service.

**HB 1159**, relative to when municipal sewage disposal systems are considered public utilities and directing the university of New Hampshire and the department of environmental services to study the use of municipal solid waste bottom as daily landfill cover for lined landfills.

**HB 1183**, relative to the importation, propagation and possession of aquatic and wildlife species.

**HB 1268**, relative to inspection and permit fees set by local legislative bodies.

**HB 1298**, allowing any municipal fire or police department, or independent emergency service, to record incoming and outgoing central dispatch and emergency telephone calls.

**HB 1405**, relative to appeal of tax assessments to the board of tax and land appeals and the superior court.

**HB 1414**, relative to the medicaid plan to enhance the funding of services for children and families and making an appropriation therefor.

**HB 1498**, relative to drug forfeiture.

**SB 385**, to provide insurance coverage for court-ordered psychiatric and psychological services.

Sen. Currier, Rep. Dunn for the Committee

**COMMITTEE OF CONFERENCE REPORT ON SB 62-FN**

The committee of conference to which was referred Senate Bill 62-FN, An Act relative to licensure of athletic trainers having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Legislation Relative to Athletic Trainers and the Board of Registration in Medicine. The house executive departments and administration and the senate executive departments committees shall study, review and make recommendations in the form of legislation to be introduced in the 1993 legislative session, regarding registration, certification and licensure for the profession of athletic trainers. In addition, the committees may study the registration, certification and licensure procedures of any boards under or administratively attached to the board of registration in medicine and may consider the establishment of an allied health care board.

**AMENDED ANALYSIS**

This bill requires the house executive departments and administration and the senate executive departments committees to study, review and make recommendations in the form of legislation to be introduced in the 1993 legislative session, regarding registration, certification and licensure for the profession of athletic trainers. In addition, the committees may study the registration, certification and licensure procedures of any boards under or administratively attached to the board of registration in medicine and may consider the establishment of an allied health care board.

Conferees on the Part of the Senate: Sen. Currier, Dist. 7, Sen. Fraser, Dist. 4, Sen. Blaisdell, Dist. 10.

Conferees on the Part of the House: Rep. Ward, Graf. 1, Rep. Goulet, Hills. 11, Rep. Gosselin, Hills. 43, Rep. Dowd, Rock. 7.

Report adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 304-FN-A**

The committee of conference to which was referred Senate Bill 304-FN-A, An Act relative to business assistance and institutional arrangements having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing sections 2 and 3 with the following:

2 Industrial Research. The industrial research center at the University of New Hampshire intends to enter into a research partnership with Dartmouth College which shall include, but not be limited to, bio-tech research and development.

3 Funding. In accordance with the procedures of RSA 12-A:2-e, section 2 of this act shall be funded from the New Hampshire economic development fund established in RSA 12-A:2-e.

Amend the bill by deleting sections 7 and 8 and renumbering section 9 to read as 7.



**AMENDED ANALYSIS**

I. Section 1 of this bill is a general purpose statement.

II. Sections 2 and 3 of this bill authorize the industrial research center at the University of New Hampshire to enter into a research partnership with Dartmouth College, with a focus on bio-tech research and development. The partnership is funded from the New Hampshire economic development fund.

III. Section 4 of the bill extends the reporting date for the New Hampshire economic development commission's long-term strategic plan from June 30, 1992, to September 1, 1992. It requires the commission to include in its plan a recommendation on the advisability of establishing a nonprofit corporation to guide the economic development of New Hampshire.

IV. Section 5 of this bill changes the name of the administrator of federal-state financial information to the coordinator of federal funds. The coordinator is to actively seek out federal programs, funds an equipment which may be available to New Hampshire, notify the appropriate state department, municipality or agency and coordinate the application process. Under this bill, the coordinator is to place an emphasis on those federal programs related to economic development and credit.

V. Section 6 of this bill adds a member to the oversight committee at the industrial technology research and innovation center at the university system of New Hampshire Durham campus.

Conferees: Sen. W. King, Dist. 2, Sen. Shaheen, Dist. 21, Sen. Dupont, Dist. 6.

Conferees: Rep. B. Packard, Hills. 15, Rep. Dowling, Rock. 7, Rep. C. Brown, Graf. 13, Rep. W. McCann, Straf. 7.

Report adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 308**

The committee of conference to which was referred Senate Bill 308, An Act revising the business corporation act having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sen. Podles, Dist. 16, Sen. Hollingworth, Dist. 23, Sen. Colantuono, Dist. 14.

Conferees: Rep. N. Ford, Hills. 24, Rep. E. Moore, Hills. 5, Rep. Lockwood, Merr. 6, Rep. Burling, Sull. 1.

Report adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 321**

The committee of conference to which was referred Senate Bill 321, An Act repealing an exemption for town clerks relative to voter registration having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Repeal and Reenactment of RSA 654:12. RSA 654:12, relative to determining qualifications of applicants registering to vote, and repealed by 1990, 119:18, is hereby reenacted as it existed immediately prior to its repeal by 1990, 119:18.

7 Authority of Supervisors of the Checklist and Clerks to Determine Qualifications of Applicants Registering to Vote. RSA 654:12, I is repealed and reenacted to read as follows:

1. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, may require the applicant to present any one of the following from each qualification category:

(a) Citizenship. The applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a citizenship affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The citizenship affidavit shall be in the following form:

Date: \_\_\_\_\_

#### CITIZENSHIP AFFIDAVIT

Name: \_\_\_\_\_

Name at birth if different: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Date of birth: \_\_\_\_\_

I hereby swear, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature of applicant)

The penalty for perjury is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and/or a fine not to exceed \$4,000.

(b) Age. Any reasonable documentation indicating the applicant is 18 years of age or older.

(c) Domicile. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile for an indefinite period in the town, city or ward in which he desires to vote, or an affidavit declaring that the applicant has a domicile and intends to maintain a domicile for an indefinite period in the town, city or ward in which he desires to vote.

8 Effective Date. This act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

This bill amends the election laws by:

(1) Repealing the provision in the election laws which permits a town to vote to have the supervisors of the checklist, rather than the town clerk, accept applications from persons to have their names added to the checklist.

(2) Requiring town and city clerks to accept applications from such persons according to certain conditions.

(3) Repealing the provision in the election laws which requires a city or town to vote to permit applications for changes in party affiliation to be made with the city or town clerk, and requiring that cities and towns shall permit such applications for changes in party affiliation.

(4) Allowing supervisors of the checklist and town and city clerks to request specific information from persons who are registering to vote in order to determine whether the applicant is qualified to vote.

Conferees: Sen. Bass, Dist. 11, Sen. Delahunty, Dist. 22, Sen. St. Jean, Dist. 20.

Conferees: Rep. Warburton, Rock. 6, Rep. Holden, Hills. 9, Rep. Flanagan, Rock. 8, Rep. Gilmore, Straf. 7.

Report adopted.

**COMMITTEE OF CONFERENCE REPORT ON SB 324**

The committee of conference to which was referred Senate Bill 324, An Act establishing a commission on the family and permitting Jewish Rabbis who are not citizens of the United States to solemnize marriages having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Commission on the Status of the Family. Amend RSA by inserting after chapter 19-D the following new chapter:

**CHAPTER 19-E****Commission on the Status of the Family**

19-E:1 Commission on the Status of the Family Established; Membership. There is hereby created a state commission on the status of the family, hereinafter called the commission, consisting of 15 members. All members of the commission shall serve terms of 4 years each. Legislative members of the commission may receive legislative mileage while engaged in their work on the commission. The member first appointed by the governor shall call the first meeting. The members shall elect officers at the first meeting. The commission shall consist of the following members:

I. Three members appointed by the governor.

II. Two members of the house, appointed by the speaker of the house.

III. Two members of the senate, appointed by the president of the senate.

IV. The director of the division for children and youth services, or designee.

V. A representative of the Child and Family Services of New Hampshire, appointed by Child and Family Services.

VI. One elementary school and one high school guidance counselor appointed by the New Hampshire Association of School Guidance Counselors.

VII. One representative of the New Hampshire Women's Lobby, appointed by the lobby.

VIII. One representative of the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the coalition.

IX. One representative of the New Hampshire Marriage and Family Therapists Association, appointed by the association.

X. One police department member, jointly appointed by the New Hampshire Police Chiefs Association and New Hampshire Patrolmen's Association.

19-E:2 Duties and Powers. The duties of the commission shall be as follows:

I. Study the laws, rules and regulations of the state to determine how such laws, rules and regulations impact the family.

II. Recommend passage of new legislation favorable to the family or recommend repeal or amendment of existing legislation harmful to the family.

III. Recommend to the congressional delegation federal legislation favorable to the family or recommend repeal or amendment of existing federal legislation harmful to the family.

IV. Educate the public about the importance of strong families in promoting education, prosperity, citizenship, and respect for the law.

V. Advocate government policies which shall create a favorable atmosphere for family life to flourish.

19-E:3 Cooperation. The commission may cooperate with any state or federal agency or any private organization in conducting investigations and studies in the area of the status of the family.

19-E:4 Report. The commission shall submit a biennial report of its activities to the governor and council, the senate president and the speaker of the house. Said report may include any recommendations for legislation or recommendations for repeal of current statutes.

19-E:5 Legislative Review. The general court shall review the state commission on the status of the family in 4 years to determine the effectiveness of the commission.

2 Marriages; Rabbi's Authority to Perform. Amend RSA 457:37 to read as follows:

457:37 Exceptions. Nothing contained in this chapter shall affect the right of Jewish Rabbis [who are citizens of the United States,] residing in this state, or of the people called Friends or Quakers, to solemnize marriages in the way usually practiced among them, and all marriages so solemnized shall be valid. Jewish Rabbis [who are citizens of the United States,] residing out of the state, may obtain a special license as provided by RSA 457:32.

3 Prospective Repeal. RSA 19-E, relative to the commission on the status of the family, is hereby repealed.

4 Effective Date.

I. Section 3 of this act shall take effect July 1, 1997.

II. The remainder of this act shall take effect 60 days after its passage.

Conferees: Sen. J. King, Dist. 18, Sen. Podles, Dist. 16, Sen. McLane, Dist. 15.

Conferees: Rep. Robinson, Hills. 12, Rep. Gagnon, Hills. 47, Rep. Woods, Rock. 19, Rep. Nordgren, Graf. 12.

Report adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 339**

The committee of conference to which was referred Senate Bill 339, An Act relative to regulatory reform having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sen. Dupont, Dist. 6, Sen. Shaheen, Dist. 21, Sen. Fraser, Dist. 4.

Conferees: Rep. Krueger, Sull. 6, Rep. Porter, Sull. 9, Rep. B. Packard, Hills. 15, Rep. Syracuse, Rock. 26.

Report adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 343**

The committee of conference to which was referred Senate Bill 343, An Act relative to reconsideration of town meeting and school district meeting votes having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 40:10, IV as inserted by section 1 of the bill by replacing it with the following:



IV. A restriction adopted under this section shall apply to any subsequent action by the meeting which alters or modifies the result of the restricted vote, or which involves the same subject matter as does the restricted vote or warrant article, regardless of whether or not the term "reconsider" is actually used.

#### AMENDED ANALYSIS

This bill allows towns to restrict actions at a school district or annual town meeting which alter or modify the result of restricted votes or which involves the same subject matter as does the restricted vote or warrant article.

Conferees: Sen. Bass, Dist. 11, Sen. Roberge, Dist. 9, Sen. Cohen, Dist. 24.

Conferees: Rep. Wadsworth, Graf. 13, Rep. Weyler, Rock. 10, Rep. Metzger, Ches. 11, Rep. Fuller Clark, Rock. 25.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 362

The committee of conference to which was referred Senate Bill 362, An Act redefining proprietary medicines to include nonprescription medicines and exempting non-pharmacy retail stores and outlets from classification as pharmacies for the purpose of RSA 318 having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Non-Prescription Drug Sale or Possession. Amend RSA 318:42, V to read as follows:

V. The sale and distribution of [proprietary medicines] **nonprescription drugs** as defined in RSA 318:1, XVIII **by non-pharmacy retail stores and outlets. Retail stores and outlets engaging in the sale and distribution of such items shall not be deemed to be improperly engaged in the practice of pharmacy. No rule shall be adopted by the board under this chapter which shall require the sale of nonprescription drugs by a licensed pharmacist or under the supervision of a licensed pharmacist.** The director of public health services may make a determination that a specific product may only be dispensed upon a written prescription of a practitioner.

Conferees: Sen. Currier, Dist. 7, Sen. Colantuono, Dist. 14, Sen. Fraser, Dist. 4.

Conferees: Rep. Asplund, Merr. 10, Rep. K. Wheeler, Straf. 4, Rep. G. Wiggin, Carr. 7, Rep. Lynch, Ches. 17.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 375

The committee of conference to which was referred Senate Bill 375, An Act allowing the division of parks and recreation to give rewards for information leading to the recovery of stolen division property having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the Senate.

Conferees: Sen. Dupont, Dist. 6, Sen. Fraser, Dist. 4, Sen. Cohen, Dist. 24.

Conferees: Rep. Lewis, Merr. 5, Rep. Dickinson, Carr. 2, Rep. Conroy, Rock. 7, Rep. Janus, Hills. 39.

Report adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 376-FN-A**

The committee of conference to which was referred Senate Bill 376-FN-A, An Act relative to congregate services programs having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sen. Blaisdell, Dist. 10, Sen. Hough, Dist. 5, Sen. Roberge, Dist. 9.

Conferees: Rep. K. Foster, Ches. 17, Rep. Carpenter, Hills. 10, Rep. Cain, Belk. 5, Rep. G. Wiggins, Carr. 7.

Report adopted.

### **COMMITTEE OF CONFERENCE REPORT ON SB 393**

The committee of conference to which was referred Senate Bill 393, An Act relative to infrastructure development and making appropriations therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Committee Established. There is hereby established a committee to study the feasibility of establishing a technical college in Haverhill, New Hampshire. The committee shall consist of the following members:

I. Two senators, appointed by the president of the senate.

II. Two house members, appointed by the speaker of the house.

III. The commissioner of postsecondary education, or his designee.

IV. A selectman from Haverhill, chosen by the selectmen.

V. A member of the public, appointed by the governor.

Amend the bill by replacing all after section 6 with the following:

7 New Section; Financial Disclosure Required. Amend RSA 12-G by inserting after section 4 the following new section:

12-G:4-a Statements of Financial Interests; Content; Form.

I. Every member of the board shall file by July 1 of each year a verified written statement of financial interests in accordance with the provisions of this section, unless he has already filed a statement in that calendar year.

II. A member of the board shall not be allowed to enter into or continue his duties, unless he has filed a statement of financial interests with the secretary of state.

III. Statements of financial interests shall contain the following information:

(a) The name, address, and type of any professional, business, or other organization in which the reporting individual was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year.

(b) The description of any debt and the name of the creditor for all debts in excess of \$5,000 owed by the reporting individual, as well as the description of any debt and the name of the debtor for all debts in excess of \$5,000 owed to the reporting individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, has done work for or business with the state in the preceding calendar year. Loans issued by financial institutions whose normal business includes the making of loans of the kind received by the reporting individual, and which are made at the prevailing rate of interest and in accordance with other terms and conditions standard for such loans at the time the debt was contracted need not be disclosed. Debt issued by publicly held corporations and purchased by the reporting individual on the open market at the price available to the public need not be disclosed.

IV. The statement of financial interests shall be completed by typewriting or hand printing, and shall be verified, dated, and signed by the reporting individual personally. It shall be submitted on a form prescribed by the secretary of state.

8 Requests for Proposal Required. Amend RSA 12-G:7, VIII to read as follows:

VIII. To make and execute agreements, contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic, **provided that no contract in excess of \$10,000, including contracts under paragraphs III and XV, shall be made without requests for proposal. This requirement may be eliminated by an affirmative vote of 5 members of the board on any particular matter. Justification for eliminating the requirement shall be recorded in the minutes of the meeting.**

9 Land Use Controls. RSA 12-G:10, V is repealed and reenacted to read as follows:

V. With the exception of the airport zone and that portion of the airport industrial zone acquired by the Pease development authority pursuant to Surplus Property Act of 1944, section 13-G, in the enforcement of land use controls, the following shall apply:

(a) The authority shall delegate enforcement of the land use controls to the appropriate land use boards of the town of Newington and the city of Portsmouth for property within each municipality, respectively.

(b) If the town of Newington or the city of Portsmouth, as appropriate, rejects the enforcement on the basis of Part I, Art. 28-a of the New Hampshire constitution, the authority may delegate such enforcement to the community which did not reject it or to another community. If the town of Newington and/or the city of Portsmouth elects to perform said enforcement, the building inspection services, zoning enforcement services, and planning services of Portsmouth and/or Newington shall be made available to the authority for all land within the authority's control. In addition, the building code boards of appeal, the zoning boards of adjustment and the planning boards of the respective municipalities shall process building code appeals, administrative appeals, special exception and variance requests, as well as subdivision, site plan review and conditional use applications. The only charge that may be made for such services shall be the standard application fees charged by the municipalities for local permits.

(c) In all instances, the authority shall retain the power to make the final decision regarding applicability, interpretation, and enforcement of its land use controls, which shall require 5 affirmative votes.

(d) Any action of the authority in the exercise of its powers under this section shall be subject to a motion for rehearing and appeal in accordance with the appropriate provisions of RSA 677. In addition to any other person deemed to be an aggrieved person, the city of Portsmouth and the town of Newington and any abutters shall have standing to appeal land use decisions made by the authority.

(e) Any property located at the former Pease Air Force Base which is sold, leased or otherwise conveyed by the United States government to any person other than the state of New Hampshire or one of its political subdivisions shall be in full compliance with all applicable municipal land use regulations, building codes, electrical codes, plumbing codes and related codes prior to being occupied for any use by any person.

10 New Section; Exclusion for Military Bases. Amend RSA 33 by inserting after section 6-b the following new section:

33:6-c Exclusion from Debt Limit. Any municipality which has voted to acquire land from a United States military base may incur debt by the issuance of bonds or notes beyond the limit of indebtedness as set forth in RSA 33:4, provided that the purpose of the acquisition is to further the economic development of the municipality. Such debt shall at no time be included in the net indebtedness of the municipality for the purpose of ascertaining its borrowing capacity.

11 Pease Appropriation to Lapse. Amend 1991, 355:110 to read as follows:

355:110 Appropriation; Pease Development Authority. A sum not to exceed \$2,800,000 is appropriated to the Pease development authority for its operating budget for the fiscal year ending June 30, 1992, upon the approval of such operating budget by the governor and council, the board of directors of the Pease development authority, and the fiscal committee. **This appropriation shall lapse on June 30, 1993.**

12 Appropriation; Pease Development Authority. A sum not to exceed \$3,800,000 is appropriated to the Pease development authority for its operating budget for the fiscal year ending June 30, 1993, upon the approval of such operating budget by the governor and council, the board of directors of the Pease development authority, and the fiscal committee.

13 Pease Bonds Authorized. To provide funds for the appropriation made in section 12 of this act, the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding \$3,800,000 and for said purpose may issue general obligation bonds or notes in the name and on behalf of the state of New Hampshire in accordance with RSA 12-G:27, III. The payments of principal and interest of the bonds and notes shall be made when due from available funds of the authority in accordance with RSA 12-G:27, III.

14 Strafford County Representative. RSA 12-G:4, I(g) is repealed and reenacted to read as follows:

(g) One member who is nominated by majority vote of the legislative delegation of Strafford county, including the senators whose districts include towns in Strafford county and who is appointed by the governor, the senate president, and the speaker of the house. The member appointed in this manner shall be a resident of Strafford county and shall serve an initial term of 2 years beginning June 1, 1993. Subsequent terms shall be governed by the provisions of this section. The member appointed in this manner may be removed from office for cause after hearing by the Strafford county legislative delegation.

15 Committee Established; Meetings; Report.



I. There is hereby established a committee to study the feasibility of establishing a research facility, in conjunction with the university system of New Hampshire, on the site of the former Pease Air Force Base. If established, such a facility shall be used for research in advanced science and technology. The committee shall study issues, including, but not limited to, private funding participation, location of the center, federal participation, and enhancement of research activities.

II. The committee members shall be as follows:

(a) Three members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house.

(c) One public member appointed by the governor and council.

(d) The president of the university of New Hampshire, or designee.

(e) The chair of the Pease development authority, or designee.

III. The committee shall conduct its first meeting within 30 days after the effective date of this section. At the first meeting a chair shall be chosen from among the members of the committee.

IV. The committee shall submit a report, including recommendations for legislation, to the senate president, and the speaker of the house on or before November 1, 1992.

V. The members of the committee shall receive mileage at the legislative rate.

16 Appropriation. The sum of \$1,750,000 is hereby appropriated to the university of New Hampshire for the purpose of preliminary design and site planning for establishing a research facility on the site of Pease Air Force Base to be used for research in advanced science and technology.

17 Bonds Authorized. To provide funds for the appropriation made in section 16 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,750,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state. The bonds shall be 5-year bonds.

18 Applicability. The funds appropriated in section 16 of this act shall not be spent, obligated, or encumbered until:

I. The study committee established under section 15 of this act has submitted its report to the senate president and the speaker of the house.

II. Such report has recommended the establishment of such a research facility.

III. The capital budget oversight committee and the governor and council have approved the expenditure.

19 Purpose. In enacting sections 20-27 of this act, the general court finds that expansion of the port of New Hampshire shall contribute significantly to the transportation network of the state and increase the commercial opportunities of its businesses. The general court further finds that expansion should be undertaken in a timely manner in order to generate employment and income in the construction industry. The purpose of such expansion is to generate new commerce.

20 Money Released for Final Design. Bid Documents and Wetland Mitigation. Amend 1991, 351:5 to read as follows:

351:5 Appropriation; Port Authority [- Self Liquidating From Revenue]. **The expansion of the port of Portsmouth funded in this section shall include an 11-acre expansion of the north yard of the port and the construction of a 750-foot pier.** The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Port of Portsmouth expansion \$16,500,000

Total state appropriation section 5 \$16,500,000

(The funds appropriated in subparagraph A for the Port of Portsmouth expansion shall not be expended, encumbered, or obligated in any way unless: (1) the study committee established in 1991, 145, on the New Hampshire port authority submits its report which concludes that the Port of Portsmouth expansion is economically feasible, such that projected revenues exceed projected expenditures; and (2)] an action plan, which shall include construction documents, prepared by the New Hampshire port authority shall be approved by the capital budget oversight committee, the fiscal committee and the governor and council. [The action plan shall include the identification of sufficient revenue sources to amortize both the annual principal and interest payments.)] **\$1,500,000 of the amount appropriated herein is hereby released for the purpose of completion of final design, bid documents and wetland mitigation. This appropriation shall be nonlapsing until the project is completed.)**

21 Source of Funds Changed. Amend 1991, 351:11, I to read as follows:

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 [and], 2 **and 5** shall be made when due from the general funds of the state.

22 Deposits and Employment of Residents. Amend RSA 271-A by inserting after section 17 the following new sections:

271-A:18 Deposits. All revenue in excess of the operating expenditures required for the authority's activities shall be deposited in the general fund until such time as the bonds authorized and issued in 1991, 351:10 have been retired.

271-A:19 Employment of New Hampshire Residents.

I. Any contractor bidding on a project at the port of Portsmouth which is funded through the New Hampshire port authority or the state of New Hampshire shall be encouraged to employ the maximum possible number of New Hampshire residents.

II. For the purposes of this section, "resident" shall mean any person maintaining a dwelling within the state of New Hampshire who has a present intent to remain within the state for a period of time.

23 Special Committee Established. There is hereby established a special committee to establish criteria for the merger of the Pease development authority and the port authority.

24 Membership. The committee members shall be as follows:

I. Two members of the senate, appointed by the president of the senate.

II. Two members of the house of representatives, appointed by the speaker of the house.

III. Two members appointed by the governor, representing the port authority and the Pease development authority.

IV. One person from the city of Portsmouth and one person from the town of Newington, each appointed by the governing body of each community.

25 Meetings. The committee shall conduct its first meeting within 30 days after the effective date of this section. At the first meeting, a chair shall be chosen from among the members of the committee.

26 Report. The committee shall submit a report, including recommendations for legislation to the senate president, the speaker of the house and the governor, no later than November 1, 1993.

27 Repeal. 1991, 351:11, II(c) relative to certain bond payments made from the port authority revenues, is repealed.

28 Effective Date.

- I. Section 7 of this act shall take effect July 1, 1993.
- II. Section 11 of this act shall take effect upon its passage.
- III. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

- I. Section 1 is a general purpose statement.
- II. Sections 2-4 establish a committee to evaluate the feasibility of establishing a technical college in Haverhill, New Hampshire.
- III. Sections 5-18:
  - (1) Require approval by the affected municipality before expansion or contraction of an airport district.
  - (2) Require board members to file a financial disclosure statement with the secretary of state.
  - (3) Mandate that the board use requests for proposals for contracts unless a no bid process is approved by 5 members of the board.
  - (4) Clarify local jurisdiction with respect to land use control issues.
  - (5) Authorize borrowing by a municipality for the acquisition of land from a former United States military base to be excluded from the municipality's debt limit.
  - (6) Makes the FY 1992 appropriation for operating expenses nonlapsing and makes a bonded appropriation for FY 1993 operating expenses.
  - (7) Changes the manner in which the member of the board from Strafford county is chosen.
  - (8) Establish a committee to determine the feasibility of establishing a research facility, in conjunction with the university system of New Hampshire, at former Pease Air Force Base.
  - (9) Make a contingent bonded appropriation to the university system of New Hampshire for such research facility.

IV. Sections 19-22 release money appropriated for the expansion of the port of New Hampshire. Under current law, the release of such funds is subject to certain conditions. The principal and interest on such bonds is to be paid from the state general fund.

Sections 23-26 establish a special committee to establish criteria for the merger of the Pease development authority and the port authority. The committee shall submit a report, including recommendations for legislation to the senate president, the speaker of the house and the governor, no later than November 1, 1993.

Conferees: Sen. Dupont, Dist. 6, Sen. W. King, Dist. 2, Sen. Shaheen, Dist. 21.

Conferees: Rep. B. Packard, Hills. 15, Rep. Porter, Sull. 9, Rep. C. Brown, Graf. 13, Rep. Vaughn, Rock. 27.

Rep. Gross spoke in favor.

Reps. Bonnie Packard and Channing Brown yielded to questions.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 399-FN-L

The committee of conference to which was referred Senate Bill 399-FN-L, An Act requiring rabies shots for cats having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sen. Fraser, Dist. 4, Sen. Cohen, Dist. 24, Sen. Roberge, Dist. 9.

Conferees: Rep. Grodin, Ches. 6, Rep. Barnes, Rock. 6, Rep. E. Clark, Ches. 3, Rep. Fuller Clark, Rock. 25.

Report adopted.

#### **COMMITTEE OF CONFERENCE REPORT ON SB 410**

The committee of conference to which was referred Senate Bill 410, An Act relative to AIDS having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sen. J. King, Dist. 18, Sen. McLane, Dist. 15, Sen. Fraser, Dist. 4.

Conferees: Rep. R. Foster, Carr. 4, Rep. Holmes, Merr. 13, Rep. Ziegra, Belk. 6, Rep. K. Foster, Ches. 17.

Report adopted.

#### **COMMITTEE OF CONFERENCE REPORT ON SB 418**

The committee of conference to which was referred Senate Bill 418, An Act changing the title of juvenile services officers to juvenile probation-parole officers having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

Conferees: Sen. Currier, Dist. 7, Sen. J. King, Dist. 18, Sen. W. King, Dist. 2.

Conferees: Rep. W. McCain, Rock. 11, Rep. V. Cook, Hills. 42, Rep. Lovejoy, Rock. 7, Rep. Nordgren, Graf. 12.

Report adopted.

#### **CONFERENCE COMMITTEE DISCHARGED NEW CONFERENCE REQUESTED**

Rep. Gross moved that the House discharge the committee of conference on **SB 428-FN**, designating segments of the Connecticut River for the Rivers management program and allowing existing hydroelectric facilities to maintain operations, and request a new committee of conference, and spoke in favor.

Adopted.

The Speaker appointed Reps. Dickinson, Schotanus, C.F. Buckley and Maviglio.

#### **COMMITTEE OF CONFERENCE REPORT ON SB 450-FN**

The committee of conference to which was referred Senate Bill 450-FN, An Act relative to capital formation having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 162-A:22 as inserted by section 3 of the bill by replacing it with the following:

162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:17, and RSA 162-I:9-a shall not exceed in the aggregate at any time \$50,000,000 plus interest, provided that such amount shall be increased to \$65,000,000 plus interest on January 1, 1993, to \$80,000,000 plus interest on January 1, 1994, to \$95,000,000 plus interest on January 1, 1995.



Amend the bill by replacing section 18 with the following:

18 Business Finance Authority Report to Study Committee. The business finance authority shall hire a consultant for the purpose of assisting the authority to develop and implement the programs created by RSA 162-A. Among other things, the consultant shall assist the authority in the development of performance indicators and accountability standards. The consultant shall as part of its duties prepare a report describing the development and implementation of the authority's programs, and such report shall be submitted to the business finance authority. In addition, the business finance authority shall develop standards for the review of its portfolio of loan programs. Such a review shall be conducted at a minimum of once every 2 years and shall include internal and external examination procedures. The executive director of the business finance authority shall submit a report on performance and accountability standards adopted for implementation by the board to the study committee created by 1991, 149:1 not later than 6 months after the effective date of this section.

Amend the bill by replacing section 47 with the following:

47 Effective Date.

I. Sections 1-18 and 46 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

#### AMENDED ANALYSIS

I. Section 1 of the bill is a general purpose statement.

II. Sections 2-16 of this bill expand and modify the powers of the industrial development authority. The name of the authority is changed to the business finance authority.

III. Section 17 extends the reporting date of the committee established under 1991, 149:1 to study the industrial development authority from December 1, 1991, to November 1, 1992.

IV. Section 18 requires the business finance authority to hire a consultant, who shall report to the authority. Section 18 also requires the business finance authority to develop standards for the review of its portfolio of loan programs, such review to be conducted every 2 years.

V. Sections 19-22 authorize the Dover Industrial Development Authority to engage in redevelopment activities.

VI. Sections 23-44 of the bill allow the expansion of the role of local industrial development authorities in real estate matters under RSA 162-G and RSA 162-J.

VII. Section 45 establishes a legislative committee to study financial management of public funds.

VIII. Section 46 establishes a legislative committee to study property tax abatements for economic development.

Conferees: Sen. Dupont, Dist. 6, Sen. W. King, Dist. 2, Sen. Shaheen, Dist. 21.

Conferees: Rep. B. Packard, Hills. 15, Rep. C. Brown, Graf. 13, Rep. D. Sytek, Rock. 20, Rep. Burling, Sull. 1.

Rep. Kurk spoke to the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 452-FN-L

The committee of conference to which was referred Senate Bill 452-FN-L, An Act redistricting certain district courts having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 502-A:1, VII as inserted by section 1 of the bill by replacing it with the following:

VII. DOVER-SOMERSWORTH-DURHAM DISTRICT. The Dover-Somersworth -Durham district shall consist of the cities of Dover and Somersworth and the towns of Rollinsford, Durham, Lee, and Madbury. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. Special sessions of said court for cases arising from the town of Durham shall be held at the principal court location as the caseload and justice requires. The court shall bear the name of the city or town in which it is located.

Amend RSA 501-A:1, XV as inserted by section 1 of the bill by replacing it with the following:

XV. HENNIKER-HILLSBOROUGH DISTRICT. The Henniker-Hillsborough district shall consist of the towns of Henniker, Warner, and Bradford in Merrimack county and the towns of Hillsborough, Deering, Windsor, Antrim and Bennington in Hillsborough county. The court shall be located in a city or town within the judicial district in a location and facility designated pursuant to RSA 490-B:3, having regard for the convenience of the communities within the district, provided, however, that the court shall not be located in any building which does not meet the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. Special sessions of said court for cases arising from the town of Henniker shall be held at the principal court location as the caseload and justice requires. The court shall bear the name of the city or town in which it is located.

Amend the bill by replacing section 5 with the following:

5 Special Justice; Pelham Municipal Court. Amend 1987, 80:1 to read as follows:

80:1 Special Justice; Pelham Municipal Court. Upon the occurrence of a vacancy in the office of the justice of the Pelham municipal court, the special justice of the Pelham municipal court shall continue in office as a special justice of the [Nashua] **Salem** district court[, as authorized by RSA 502-A:3, and shall hold sessions in Pelham as authorized by RSA 502-A:3].

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 1993, or when the conditions of section 4 have been met.

II. Sections 3-5 of this act shall take effect upon its passage.

#### AMENDED ANALYSIS

This bill reorganizes and consolidates the districts of certain district courts and places a freeze on the appointment of district court judges unless the current list of justices is exhausted and need is certified by the chief justice of the supreme court.

The bill also allows the special justice of the Pelham municipal court to continue as a special justice of the Salem district court.

Conferees: Sen. Podles, Dist. 16, Sen. Hollingworth, Dist. 23, Sen. Russman, Dist. 19.

Conferees: Rep. Jacobson, Merr. 2, Rep. Lown, Hills. 9, Rep. D. Sytek, Rock. 20, Rep. Knowles, Straf. 7.

Report adopted.

### COMMITTEE OF CONFERENCE REPORT ON SB 472-FN

The committee of conference to which was referred Senate Bill 472-FN, An Act relative to the victims' assistance fund, the definition of obscene material, modifying sexual assault statutes, and continuing a study committee having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sen. Podles, Dist. 16, Sen. Hollingworth, Dist. 23, Sen. Russman, Dist. 19.

Conferees: Rep. Lozeau, Hills. 25, Rep. R. Campbell, Belk.;k. 5, Rep. Hultgren, Hills. 1, Rep.. Baldizar, Hills. 22

Report adopted.

### REMOVED FROM THE TABLE

Reps. Hager moved that **SB 319**, separating the AFDC standard of need from the AFDC payment standard, increasing the AFDC standard of need and increasing medicaid eligibility for pregnant women and children, **SB 378**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services, and **SB 443-FN**, requiring the division for children and youth services to develop, implement and administer an automated case management system, be removed from the table. (Pending question: third reading and final passage)

Adopted.

### SUSPENSION OF RULES

Rep. Hager moved that the rules be so far suspended as to permit consideration at the present time of **SB 319**, separating the AFDC standard of need from the AFDC payment standard, increasing the AFDC standard of need and increasing medicaid eligibility for pregnant women and children, **SB 378**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services, and **SB 443-FN**, requiring the division for children and youth services to develop, implement and administer an automated case management system,.

Reps. Hager, Gross and Chambers spoke in favor.

Adopted by the necessary two-thirds.

**SB 319**, separating the AFDC standard of need from the AFDC payment standard, increasing the AFDC standard of need and increasing medicaid eligibility for pregnant women and children.

Ordered to third reading.

**SB 378**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services.

The Committee offered a floor amendment.

6189L

#### **Floor Amendment**

Amend the bill by replacing section 11 with the following:

11 Transfer of Functions, Powers, Duties, Records and Property of County Attorneys to Division of Human Services.

I. A transition team consisting of the president of the Association of County Attorneys or designee, the director of the division of human services or designee, and a representative of the judicial council shall meet on a regular basis to assist in the effective and efficient transfer of all functions, powers, duties, records and property made necessary by this act from the county attorneys to the division of human services. The judicial council representative shall call the first meeting of the team prior to July 1, 1993.

II. During the period beginning July 1, 1993, and ending January 1, 1994, the division of human services shall take necessary action to hire and train appropriate personnel to carry out the powers and duties assigned to the division under this act.

III. County attorneys shall remain responsible for a petition under RSA 546 which is pending as of January 1, 1994, until an order is obtained or the division of human services, in its discretion, accepts responsibility for the case.

IV. The division of human services shall be responsible for all new URESA petitions and petitions for modification filed on or after January 1, 1994.

V. No later than January 1, 1994, county attorneys shall provide the division of human services with a list of all active cases, including any hearing dates scheduled in those cases.

VI. County attorneys shall maintain indefinitely all files closed prior to January 1, 1994. The division shall have access to such files for the purpose of pursuing modifications, contempt, and enforcement activities.

VII. All files transferred to the division by the county attorneys shall contain at least the following documentation: all pleadings, federal URESA forms, court orders, completed child support guideline worksheets, financial affidavits for the obligor, and related notes and correspondence.

#### **AMENDED ANALYSIS**

This bill transfers duties under the uniform enforcement of support act from the county attorney to the office of child support enforcement services, division of human services, department of health and human services for petitions filed in court on or after January 1, 1994.

The bill establishes a transition team to assist county attorneys and the division in the transfer.

Rep. Hager spoke in favor.

Amendment adopted.

Ordered to third reading.

**SB 443-FN**, requiring the division for children and youth services to develop, implement and administer an automated case management system.

Ordered to third reading.



### SUSPENSION OF RULES

Rep. Hager moved that the rules be so far suspended as to permit third reading and final passage at the present time of **SB 319**, separating the AFDC standard of need from the AFDC payment standard, increasing the AFDC standard of need and increasing medicaid eligibility for pregnant women and children, **SB 378**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services, and **SB 443-FN**, requiring the division for children and youth services to develop, implement and administer an automated case management system.

Adopted by the necessary two-thirds.

### Third reading and final passage

**SB 319**, separating the AFDC standard of need from the AFDC payment standard, increasing the AFDC standard of need and increasing medicaid eligibility for pregnant women and children.

**SB 378**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services.

**SB 443-FN**, requiring the division for children and youth services to develop, implement and administer an automated case management system,.

### CONFERENCE REPORTS ON HOUSE BILLS

**HB 264**, placing hazardous waste transporter permit application fees in the hazardous waste cleanup fund. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 497**, relative to an equipment challenge grant program for vocational and technical education program. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 601-FN**, establishing a public water access advisory board and a statewide public boat access program and continually appropriating a special fund for the purposes of the program and creating a new class of highways for access to public waters. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 646-FN**, relative to the disposal of certain solid waste products and leaf and yard waste. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 675-FN**, relative to DWI penalties while operating a motor vehicle, OHRV, or boat or while transporting a child. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 689**, relative to implied consent and administrative motor vehicle license suspension. (Report printed SJ 21, 5/6/92)

Report adopted.

### SPECIAL ORDER

Rep. Gross moved that the conference report on **HB 740-FN**, relative to increasing political expenditure limitations for certain candidates and relative to the penalty for exceeding total expenditure limitations, be made a special order during the afternoon session.

Adopted.

**HB 758**, relative to the right to privacy act. (Report printed SJ 21, 5/6/92)  
Report adopted.

**HB 778**, relative to the laws against discrimination. (Report printed SJ 21, 5/6/92)  
Report adopted.

**HB 1005**, relative to the reapportionment of house districts within cities and the election of delegates to state party conventions. (Report printed SJ 21, 5/6/92)  
Report adopted.

**HB 1025-A**, relative to budget adjustments for fiscal years 1992 and 1993. (Report printed SJ 22, 5/7/92)

Rep. Gross spoke in favor and yielded to questions.  
Report adopted.

### SPECIAL ORDER

Rep. Channing Brown moved that the conference report on **HB 1026**, relative to a companion bill to the supplemental budget, be made a special order during the afternoon session, spoke in favor and yielded to questions.

Adopted.

**HB 1052**, relative to the appointment of the executive director of the fish and game department and allowing the governor to make more frequent appointments to the fish and game commission. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1105**, relative to disclosure of campaign contributions by candidates for local and school district elections. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1117**, relative to the minimum age requirements for liquor license applicants, relative to employing minors in licensed establishments, and relative to games and amusements on the premises of on-sale licensees. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1123**, establishing procedures for representation in small claims court and authorizing persons to appear for corporations, partnerships, and trusts in district court. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1128**, classifying certain misdemeanors as either class A or class B. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1136**, relative to regulation of small loans. (Report printed SJ 21, 5/6/92)  
Report adopted.

### SPECIAL ORDER

Rep. Gross moved that the conference report on **HB 1138**, relative to the board of trust company incorporation's consideration of petitions for incorporation of savings banks, be made a special order during the afternoon session, and spoke in favor.

Adopted.

**HB 1175**, creating a committee to study medical liability insurance in New Hampshire. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1182-FN**, authorizing the division of human services to establish a system to recoup child support payments made in error, clarifying confidentiality of certain information and allowing the division to close certain cases. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1211**, permitting public employees to file an unfair labor practice complaint after a certain time without exhausting administrative remedies. (Report printed SJ 21, 5/6/92)

Rep. Hawkins spoke in favor and yielded to questions.

Reps. Robinson and Ward spoke against and yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the Committee of Conference report.

### YEAS 117

### NAYS 206

#### YEAS 117 BELKNAP

Accornero, Harry  
Johnson, Carl R.  
Rosen, Ralph J.

Bartlett, Gordon E.  
Joscelyn, William W.  
Turner, Robert H.

Hawkins, Robert S.  
Maviglio, Steven R.

#### CARROLL

Foster, Robert W.

Saunders, Howard N.

#### CHESHIRE

Clark, Eugene W.  
Foster, Katherine D.

DePecol, Benjamin J.  
Kingsbury, H. Thayer

Doucette, Richard F.  
LaMar, David M.

#### COOS

Coulombe, Henry W.  
Nelson, Harold D.

Hawkinson, Marie C.  
Therault, Romeo J.

Kilbride, Dennis J.

#### GRAFTON

Arnesen, Deborah L.  
Dow, David  
Nordgren, Sharon L.

Chambers, Mary P.  
LaMott, Paul I.  
Scanlan, David M.

Copenhaver, Marion L.  
McIlwaine, Deborah P.

#### HILLSBOROUGH

Asselin, Robert P.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Desrochers, Gerard T.  
Elliott, Larry G.  
Greenglass, Alan B.  
Jean, Claudette R.  
Larochelle, Roger B.  
McCann, Bonnie Lou  
Nardi, Theodora P.  
Reidy, Frank J.  
Wheeler, Robert L.

Baker, George H., Sr.  
Bourque, Ann J.  
Cote, David E.  
Domaingue, Jacquelyn M.  
Emerton, Lawrence A.  
Healy, Daniel J.  
Johnson, Lionel W.  
Laughlin, J. Francis  
McDowell, James E.  
O'Rourke, Joanne A.  
Soucy, Donna M.  
White, John M.  
Baldizar, Barbara J.  
Buckley, Raymond  
Crotty, Edward J.  
Drabinowicz, A. Theresa  
Gosselin, Gerald O.  
Janas, Gregory  
King, Frank P.  
Martin, Mary Ellen  
Moore, Elizabeth A.  
Paquette, Rodolphe G.  
Vanderlosk, Stanley R.

**MERRIMACK**

Asplund, Bronwyn L.  
Gross, Caroline L.  
Letourneau, George E.  
Teague, Bert

Christie, Thomas J.  
Hill, Michael J.  
Molner, Mary E.  
Wallner, Mary Jane

Fillion, Paul R.  
Holmes, Mary C.  
Stapleton, Henry F.  
Yeaton, Charles B.

**ROCKINGHAM**

Bell, Juanita L.  
Cooke, Annette M.  
Felch, Charles H., Sr.  
Kane, Cecelia D.  
MacKinnon, Nancy W.  
Pantelakos, Laura C.  
Senter, Marilyn P.  
Thayer, Leroy C.

Benton, Richardson D.  
DiPietro, Carmela M.  
Flanders, Harry E.  
Klemarczyk, Thaddeus E.  
Melnick, Roy E.  
Roulston, Donald L.  
Syracusa, Anthony  
Warburton, Calvin

Christie, Andrew, Jr.  
Drake, Herbert R.  
Hurst, Sharleene P.  
MacDonald, Joseph A.  
Packard, Sherman A.  
Rubin, George R.  
Terninko, Margaret B.  
Wells, Henry E.

**STRAFFORD**

Hambrick, Patricia A.  
Knowles, William V.  
Spencer, Leo J.  
Torr, Ralph W.

Jankowski, Peter M.  
McCann, William H., Jr.  
Sullivan, Henry P.  
Vincent, Francis C.

Kincaid, William K.  
Merrill, Amanda A.  
Torr, Ann M.  
Wall, Janet G.

**SULLIVAN**

Allison, David C.  
Schotanus, Merle W.

Burling, Peter Hoe  
Walsh, Robert R.

Rodeschin, Beverly T.

**NAYS 206****BELKNAP**

Cain, Thomas G.  
Holbrook, Robert G.  
Vogler, Charles C.

Campbell, Richard H., Jr.  
Rice, Thomas E. P., Jr.  
Ziegra, Alice S.

Golden, Paul A.  
Shibley, Arnold P.

**CARROLL**

Allard, Nanci A.  
Daly, Robert J., Jr.  
Wiggin, Allen R.

Bradley, Jeb E.  
Dickinson, Howard C.  
Wiggin, Gordon E.

Chandler, Gene G.  
Jean, Robert R.

**CHESHIRE**

Burnham, Daniel M.  
Crutchley, Donald O.  
Hogan, James B.  
Metzger, Katherine H.  
Sawyer, Alfred P.

Champagne, Richard L.  
Feuer, Joseph N.  
Hunt, John B.  
Pearson, Gertrude B.

Cole, Stacey W.  
Grodin, Richard A.  
Laurent, John J.  
Riley, William A.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Oliver, Terry D.

Buckley, C. Fitzgerald  
Mayhew, Josephine  
Pratt, Leighton C.

Guay, Lawrence J.  
Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Hill, Richard L.

Bean, Pamela B.  
Christy, C. Dana  
Larson, Nils H., Jr.

Brown, Channing T.  
Driscoll, William J.  
Lougee, Richard W.



Markley, J. Keith  
Teschner, Douglass P.  
Ward, Kathleen W.

Nielsen, Niels F., Jr.  
Trelfa, Richard T.

Shackett, Ralph E.  
Wadsworth, Karen O.

### HILLSBOROUGH

Ahrens, Frederick G.  
Andrews, Frederick B.  
Calawa, Leon, Jr.  
Daniels, Gary L.  
Donovan, Francis X.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Jasper, Shawn N.  
Kelley, Robert N.  
Lachut, Ervin R.  
Leclerc, Charles J.  
Mason, Howard F.  
Messier, Irene M.  
Packard, Bonnie B.  
Record, Alice B.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Soucy, Richard A.  
Turgeon, Roland M.  
Wright, George W.

Alukonis, David J.  
Arnold, Barbara E.  
Clemons, Jane A.  
Desrosiers, William J.  
Drolet, Paul L.  
Fenton, James J.  
Ford, Nancy M.  
Goulet, Maurice E.  
Hall, Betty B.  
Holden, Carol H.  
Jean, Romeo W.  
Kurk, Neal M.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
McNerney, Daniel P.  
Murphy, Robert E.  
Pepino, Leo P.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Upton, Barbara A.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Daigle, Robert A.  
Dodge, Emma M.  
Durham, Susan B.  
Ferguson, Charles  
Gage, Ruth E.  
Gureckis, Adam C., Sr.  
Hanselman, Gregory L.  
Hultgren, David D.  
Keane, Cornelius J.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Lozeau, Donnalee M.  
McRae, Karen K.  
Ouellette, Robert O.  
Peters, Stanley W.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Tarpley-Bamberger, Nancy L.  
Wheeler, David K.

### MERRIMACK

Apple, Lowell D.  
Carter, Susan D.  
Daneault, Gabriel J.  
Feuerstein, Martin  
Hayes, Robert C.  
Johnson, Joyce M.  
Lockwood, Robert A.  
Smith, Gerald R.

Barberia, Richard A.  
Chandler, Earle W.  
Dunn, Miriam D.  
Hager, Elizabeth S.  
Jacobson, Alf E.  
Kidder, William F.  
Millard, Elizabeth S.  
Stio, Peter M.

Boucher, Laurent J.  
Chandler, John P.  
Fair, Patricia A.  
Hall, Douglas E.  
Johnson, C. William  
Lewis, Mary Ann  
Nichols, Avis B.  
Weeks, John F., Jr.

### ROCKINGHAM

Barnes, John S., Jr.  
Campbell, Marilyn R.  
Connell, David R.  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Greene, Elizabeth A.  
Katsakiores, Phyllis  
Lovejoy, Virginia K.  
McCarthy, John J., Jr.  
Raynowska, Bernard J.

Boucher, William P.  
Chase, Lawrence A., Jr.  
Conroy, Janet M.  
Dowling, Patricia A.  
Ford, Bert H.  
Hoelzel, Kathleen M.  
Katsakiores, Phyllis  
Malcolm, Kenneth W.  
McGovern, Cynthia A.  
Rosencrantz, James R.

Buco, Stephen W.  
Coffey, John J.  
Cote, Patricia L.  
Dube, LeRoy S.  
Gage, Beverly A.  
Johnson, Robert A.  
Klemm, Arthur P., Jr.  
McCain, William F.  
McKinney, Betsy  
Smith, Arthur W.

Sytek, Donna P.  
Vaughn, Charles L.  
Woods, Deborah L.

Sytek, John J.  
Welch, David A.

Tufts, Arthur  
Weyler, Kenneth L.

### STRAFFORD

Appleby, James E.  
Corte, Arthur B.  
Foss, Patricia H.  
Marston, Robert E.  
O'Brien, John  
Wheeler, Katherine W.

Bickford, Drucilla  
Douglass, Clyde J.  
Frechette, Roland A.  
Martling, W. Kent  
Pelley, Janet R.  
Young, John B.

Brown, Julie M.  
Flynn, Edward J.  
Kinney, Paula J.  
Nehring, William H.  
Tsiros, William

### SULLIVAN

Behrens, Thomas A.  
Krueger, Richard H.  
Porter, Robert H.  
and the report failed.

Domini, Irene C.  
Lindblade, Eric N.  
Stamatakis, Carol M.

Flint, Gordon B.  
Middleton, John A.

## CONFERENCE COMMITTEE DISCHARGED NEW CONFERENCE REQUESTED

Rep. Gross moved that the House discharge the committee of conference on **HB 1211**, permitting public employees to file an unfair labor practice complaint after a certain time without exhausting administrative remedies, and request a new committee of conference.

Adopted.

The Speaker appointed Reps. Robinson, Jasper, Hawkins and Hawkinson.

### RECESS

(Speaker in the Chair)

### ENROLLED BILLS REPORT

**HB 263**, establishing a fee structure for used oil marketers.

**HB 446**, relative to the board of registration in medicine and relative to the definition of psychologist.

**HB 469**, relative to improvements on route 106 and making an appropriation therefor.

**HB 1124**, allowing a town to apply certain rental welfare assistance payments to certain amounts owed to a town for the assisted person's landlord's delinquent water, sewer, electricity or tax payments and relative to interest rates on security deposits.

**HB 1130**, relative to ejecting persons from racetracks whose presence is inconsistent with proper conduct of a race meet, relative to unclaimed pari-mutuel pool tickets and extending the existing capital improvement and promotional fund for greyhound racetracks.

**HB 1161**, relative to the composition of the wetlands board.

**HB 1238**, authorizing the reconstruction of the Route I-89 exits 18 and 20 interchanges in Lebanon.

**HB 1254**, relative to public employee labor relations board hearings.

**HB 1283**, authorizing the human rights commission to award compensatory damages, levy administrative fines and award attorney's fees, and clarifying the jurisdiction of courts reviewing orders of the commission.

**HB 1308**, relative to technical changes to the municipal charter laws and relative to the establishment of a charter commission in the town of Salem.

**HB 1345**, allowing off-sale licensees to advertise by signs and posters.

**HB 1388**, authorizing a civil penalty to be imposed in any proceeding in which a rule of a manufactured housing park owner is deemed unreasonable.

**HB 1402**, relative to competitive bidding purchases of services from nonprofit organizations by certain state agencies for severely disabled or emotionally disturbed children.

**HB 1434**, requiring employers advertising for replacement workers during a strike to state such in any advertisement.

**HB 1453**, establishing a study committee to review existing shellfish waters monitoring and closure procedures.

**HB 1462**, establishing a committee to examine all aspects of parole eligibility.

**HB 1471**, changing the penalties for theft of timber from another person's land or for altering the mark of any mill log belonging to another person.

**HB 1474**, relative to taxability of real estate transfers.

**SB 306**, allowing bonus payments in recognition of service during the Persian Gulf War.

**SB 327**, establishing a committee to study the effects of substance abuse on health care and economic costs of the state.

**SB 346**, relative to certain orders of protection and to certain restraining orders and requiring arrest for certain violations of such restraining orders and modifying the definition of household member.

**SB 355**, requiring that deposits for the purchase or other disposition of manufactured housing be held in escrow accounts.

**SB 392**, relative to guardians ad litem and establishing a committee to study the appointment, use, and compensation of guardians ad litem.

**SB 427**, requiring the registration of sexual offenders.

**SB 433**, relative to the registration and equipment standards of motor vehicles known as street rods.

**SB 446**, authorizing construction of exit 10 on the Spaulding turnpike from bonds previously authorized and changing the classification of the Salmon Falls Road in Rochester and Somersworth to class II.

**SB 453**, relative to involuntary commitment procedures.

Sen. Currier, Rep. Dunn, for the Committee

(Rep. Michael Hill in the Chair)

### GOVERNOR'S VETO MESSAGE ON HB 1350

April 30, 1992

To the Honorable Members of the General Court:

I have this day vetoed House Bill 1350, An Act Revising the Laws that Require a Prescription to Purchase a Hypodermic Needle.

House Bill 1350 would make hypodermic syringes and needles legal for anyone over 18. The purpose of the bill is to provide a ready supply of needles to illegal intravenous (IV) drug users. The sponsors of House Bill 1350 hope that AIDS cases will be reduced because drug users will stop sharing needles if needles can be purchased legally at pharmacies. The HIV virus is frequently spread by intravenous drug users who share needles.

If I believed that House Bill 1350 would reduce the spread of AIDS, I would sign the bill. However, I do not believe House Bill 1350 will reduce AIDS. Therefore, for the following practical, legal, and philosophical reasons, I have vetoed the bill:

1. There is no substantial evidence that making hypodermic needles available at pharmacies will reduce needle sharing by IV drug users and reduce the spread of AIDS. House Bill 1350 would provide an unlimited supply of hypodermic needles to illegal drug dealers and illegal drug users. The Sponsors and supporters of the bill hope that drug users will stop sharing needles when they inject heroin, cocaine and methamphetamine (speed) into their systems, but will instead use clean needles purchased at their local pharmacy. There is no documented evidence that this will occur.

2. Massachusetts and Maine both provide criminal penalties for the possession and sale of hypodermic needles without prescription. If House Bill 1350 were enacted, New Hampshire pharmacies would provide unlimited access to drug users and dealers from those states. Those individuals would ultimately use, sell and rent New Hampshire needles illegally in their own states. After discussion of this issue with Governor Weld, it is likely that Massachusetts will be reviewing its policies relative to the distribution of hypodermic needles at the end of the year. I believe any action in this area should be done in concert with our sister states, especially Massachusetts, where IV drug use is more significant problem than in New Hampshire.

3. If unlimited access is provided to hypodermic needles, then it is likely that more people will use the needles and possible that more people will use IV drugs. It is altogether possible that "legal" needles could result in more IV drug use and actually increase rather than decrease the spread of AIDS within the drug community.

4. The New Hampshire people, through their elected representatives, have decided that drugs such as heroin, cocaine and methamphetamine (speed) should be illegal and their marketing and use should result in severe criminal penalties. House Bill 1350 directly contradicts the purpose of those criminal laws. Those who support House Bill 1350 freely admit that the purpose of the act is to make it easier for drug users and dealers to administer those illegal and dangerous substances.

5. Pharmacies are intended to exist for the purpose of providing positive and healing services to people who need them. Providing hypodermic needles for the express purpose of administering life threatening illegal drugs, with any regulation, is irresponsible and irrational. Undoubtedly, some of those "legal" needles would eventually be instruments involved in spreading addiction, disease and AIDS.

The objective of the sponsors of House Bill 1350 to reduce the spread of AIDS is legitimate and compelling; however, there is no substantial evidence that the bill would further that objective. In fact, the contrary may be true. The negative effects of wide-open distribution of hypodermic syringes within New Hampshire, and especially in our sister states of Massachusetts and Maine where such sales continue to be regulated, leads me to conclude that this bill should not become law.

Judd Gregg, Governor

Reps. Copenhaver and Trombly spoke in favor of the bill and yielded to questions.

Rep. Roulston spoke against and yielded to questions.

Reps. Elizabeth Moore and McDowell spoke in favor.

Reps. Barnes and Domaingue spoke against.

The question being, notwithstanding the Governor's veto, shall **HB 1350**, revising the laws that require a prescription to purchase a hypodermic needle, pass.

As required by the Constitution, a roll call was taken.



**YEAS 156****NAYS 197****YEAS 156  
BELKNAP**

Campbell, Richard H., Jr.  
Maviglio, Steven R.

Hawkins, Robert S.  
Salatiello, Thomas B.

Joscelyn, William W.  
Ziegara, Alice S.

**CARROLL**

Bradley, Jeb E.  
Wiggin, Gordon E.

Dickinson, Howard C.

Foster, Robert W.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Kenneth A.  
Foster, Katherine D.  
Kingsbury, H. Thayer  
Pratt, Irene A.

Champagne, Richard L.  
DePecol, Benjamin J.  
Hunt, John B.  
LaMar, David M.  
Riley, William A.

Clark, Eugene W.  
Doucette, Richard F.  
Kennison, Wayne A.  
Pearson, Gertrude B.

**COOS**

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Mayhew, Josephine  
Theriault, Romeo J.

Burns, Harold W.  
Horton, Lynn C.  
Nelson, Harold D.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Oliver, Terry D.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
Larson, Nils H., Jr.  
Teschner, Douglass P.

Arnesen, Deborah L.  
Brown, Patricia B.  
Dow, David  
McIlwaine, Deborah P.  
Ward, Kathleen W.

Bean, Pamela B.  
Chambers, Mary P.  
LaMott, Paul I.  
Nordgren, Sharon L.

**HILLSBOROUGH**

Amidon, Eleanor H.  
Baldizar, Barbara J.  
Cowenhoven, Garret P.  
Durham, Susan B.  
Gage, Ruth E.  
Hall, Betty B.  
Larochelle, Roger B.  
Lown, Elizabeth D.  
McDowell, James E.  
Moore, Elizabeth A.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Upton, Barbara A.

Asselin, Robert P.  
Clemons, Jane A.  
Daigle, Robert A.  
Dwyer, Patricia R.  
Green, Scott E.  
Hanselman, Gregory L.  
Laughlin, J. Francis  
Lozeau, Donnalee M.  
McRae, Karen K.  
Murphy, Robert E.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
White, John M.

Baker, George H., Sr.  
Cote, David E.  
Drabinowicz, A. Theresa  
Ford, Nancy M.  
Haettenschwiller, Alphonse  
Jean, Romeo W.  
Leclerc, Charles J.  
McCann, Bonnie Lou  
Messier, Irene M.  
O'Rourke, Joanne A.  
Rodgers, G. Philip  
Soucy, Donna M.

**MERRIMACK**

Braiterman, Thea  
Christie, Thomas J.  
Feuerstein, Martin  
Hager, Elizabeth S.  
Jacobson, Alf E.

Carter, Susan D.  
Dunn, Miriam D.  
Fillion, Paul R.  
Hall, Douglas E.  
Johnson, Joyce M.

Chandler, John P.  
Fair, Patricia A.  
Gross, Caroline L.  
Holmes, Mary C.  
Letourneau, George E.

Millard, Elizabeth S.  
Teague, Bert  
Weeks, John F., Jr.

Molner, Mary E.  
Trombly, Rick A.  
Yeaton, Charles B.

Soldati, Jennifer G.  
Wallner, Mary Jane

### ROCKINGHAM

Bell, Juanita L.  
Clark, Martha Fuller  
Greene, Elizabeth A.  
Johnson, Robert A.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Sytek, John J.  
Vaughn, Charles L.

Caswell, Albert, Jr.  
Connell, David R.  
Hurst, Sharleene P.  
Kane, Cecelia D.  
McKinney, Betsy  
Skinner, Patricia M.  
Terninko, Margaret B.  
Warburton, Calvin

Christie, Andrew, Jr.  
Dowling, Patricia A.  
Hutchinson, Karen K.  
MacDonald, Joseph A.  
Packard, Sherman A.  
Syracusa, Anthony  
Tufts, Arthur  
Woods, Deborah L.

### STRAFFORD

Corte, Arthur B.  
Hambrick, Patricia A.  
Knowles, William V.  
Merrill, Amanda A.  
Pelley, Janet R.  
Young, John B.

Flynn, Edward J.  
Jankowski, Peter M.  
Martling, W. Kent  
O'Brien, John  
Vincent, Francis C.

Gilmore, Gary R.  
Kinney, Paula J.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Wheeler, Katherine W.

### SULLIVAN

Allison, David C.  
Porter, Robert H.  
Walsh, Robert R.

Burling, Peter Hoe  
Schotanus, Merle W.

Flint, Gordon B.  
Stamatakis, Carol M.

### NAYS 197 BELKNAP

Accornero, Harry  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.

Bartlett, Gordon E.  
Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Cain, Thomas G.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Wiggin, Allen R.

Beach, Mildred A.  
Jean, Robert R.

Chandler, Gene G.  
Saunders, Howard N.

### CHESHIRE

Cole, Stacey W.  
Grodin, Richard A.  
Metzger, Katherine H.  
Young, David A.

Crutchley, Donald O.  
Hogan, James B.  
Mohr, Frederick C., Jr.

Feuer, Joseph N.  
Laurent, John J.  
Sawyer, Alfred P.

### COOS

Brungot, Catherine V.  
Merrill, Gerald P.

Guay, Lawrence J.  
Pratt, Leighton C.

Marsh, Beaton

### GRAFTON

Christy, C. Dana  
Lougee, Richard W.  
Scanlan, David M.  
Wadsworth, Karen O.

Driscoll, William J.  
Markley, J. Keith  
Shackett, Ralph E.

Hill, Richard L.  
Nielsen, Niels F., Jr.  
Trelfa, Richard T.

**HILLSBOROUGH**

Ahrens, Frederick G.	Alukonis, David J.	Andrews, Frederick B.
Arnold, Barbara E.	Baroody, Benjamin C.	Bourque, Ann J.
Bowers, Dorothy C.	Buckley, Raymond	Calawa, Leon, Jr.
Chasse, Richard D.	Cook, Valerie S.	Crotty, Edward J.
Daniels, Gary L.	Desrochers, Gerard T.	Desrosiers, William J.
Dodge, Emma M.	Domaingue, Jacquelyn M.	Donovan, Francis X.
Drolet, Paul L.	Dyer, Merton S.	Elliott, Larry G.
Emerton, Lawrence A.	Fenton, James J.	Ferguson, Charles
Ferlan, Arthur P.	Fields, Dennis H.	Gagnon, Eugene L.
Gosselin, Gerald O.	Goulet, Maurice E.	Greenglass, Alan B.
Gureckis, Adam C., Sr.	Healy, Daniel J.	Healy, Walter F.
Holden, Carol H.	Hultgren, David D.	Janas, Gregory
Jasper, Shawn N.	Jean, Claudette R.	Johnson, Lionel W.
Keane, Cornelius J.	Kelley, Dana F.	Kelley, Robert N.
King, Frank P.	Kurk, Neal M.	L'Heureux, Robert J.
Lachut, Ervin R.	Lawrence, Eva M.	Lawrence, Norman B.
Lefebvre, Roland J.	Martin, Mary Ellen	Mason, Howard F.
McNerney, Daniel P.	Nardi, Theodora P.	Ouellette, Robert O.
Packard, Bonnie B.	Paquette, Rodolphe G.	Pepino, Leo P.
Peters, Stanley W.	Record, Alice B.	Rheault, Lillian I.
Riley, Frances L.	Sallada, Roland A.	Searles, Stanley N., Sr.
Soucy, Richard A.	Stiles, Walter A.	Tarpley-Bamberger, Nancy L.
Turgeon, Roland M.	Vanderlosk, Stanley R.	Wheeler, David K.
Wheeler, Robert L.	Wright, George W.	

**MERRIMACK**

Apple, Lowell D.	Asplund, Bronwyn L.	Barberia, Richard A.
Boucher, Laurent J.	Chandler, Earle W.	Gilbreth, Robert M.
Hayes, Robert C.	Johnson, C. William	Kidder, William F.
Lewis, Mary Ann	Lockwood, Robert A.	Nichols, Avis B.
Smith, Gerald R.	Stapleton, Henry F.	Stio, Peter M.

**ROCKINGHAM**

Barnes, John S., Jr.	Benton, Richardson D.	Boucher, William P.
Buco, Stephen W.	Campbell, Marilyn R.	Chase, Lawrence A., Jr.
Coffey, John J.	Conroy, Janet M.	Cooke, Annette M.
Cote, Patricia L.	DiPietro, Carmela M.	Dowd, Sandra K.
Drake, Herbert R.	Dube, LeRoy S.	Felch, Charles H., Sr.
Flanagan, Natalie S.	Flanders, Harry E.	Ford, Bert H.
Gage, Beverly A.	Hoelzel, Kathleen M.	Katsakiores, George N.
Katsakiores, Phyllis	Keith, Brenda E.	Klemarczyk, Thaddeus E.
Klemm, Arthur P., Jr.	Lovejoy, Virginia K.	MacKinnon, Nancy W.
Malcolm, Kenneth W.	McCain, William F.	McCarthy, John J., Jr.
Melnick, Roy E.	Raynowska, Bernard J.	Roulston, Donald L.
Rubin, George R.	Schanda, Joseph, Sr.	Senter, Marilyn P.
Seward, Russell G.	Smith, Arthur W.	Sytek, Donna P.
Thayer, Leroy C.	Welch, David A.	Wells, Henry E.
Weyler, Kenneth L.		

**STRAFFORD**

Appleby, James E.	Bickford, Drucilla	Brown, Julie M.
Douglass, Clyde J.	Foss, Patricia H.	Frechette, Roland A.
Hashem, Elaine M.	Kincaid, William K.	Marston, Robert E.
Nehring, William H.	Parks, Joe B.	Spencer, Leo J.
Sullivan, Henry P.	Torr, Ann M.	Torr, Ralph W.
Tsiros, William	Wall, Janet G.	

**SULLIVAN**

Behrens, Thomas A.	Domini, Irene C.	Krueger, Richard H.
Lindblade, Eric N.	Middleton, John A.	Peyron, Fredrik
Rodeschin, Beverly T.		

and the veto was sustained.

**(Speaker in the Chair)****SPECIAL ORDER**

**HB 1026**, relative to a companion bill to the supplemental budget. (Report printed SJ 22, 5/7/92)

Rep. Channing Brown spoke in favor and yielded to questions.

Reps.. Schotanus, Marsh and Ward yielded to questions.

Reps. Kurk, Jasper and Donna Sytek spoke against.

Reps. Behrens, Foss, Chambers and Gross spoke in favor.

Roll call request sufficiently second.

The questions being the adoption of the Committee of Conference Report.

**YEAS 124****NAYS 215****YEAS 124****BELKNAP**

Hawkins, Robert S.	Holbrook, Robert G.	Turner, Robert H.
Ziegra, Alice S.		

**CARROLL**

Allard, Nanci A.	Foster, Robert W.	Saunders, Howard N.
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**CHESHIRE**

Burnham, Daniel M.	Clark, Eugene W.	Doucette, Richard F.
Feuer, Joseph N.	Foster, Katherine D.	Grodin, Richard A.
Kingsbury, H. Thayer	Mohr, Frederick C., Jr.	Pratt, Irene A.
Sawyer, Alfred P.		

**COOS**

Hawkinson, Marie C.	Horton, Lynn C.	Kilbride, Dennis J.
Marsh, Beaton	Mayhew, Josephine	Merrill, Gerald P.
Nelson, Harold D.	Theriault, Romeo J.	

**GRAFTON**

Arnesen, Deborah L.	Bean, Pamela B.	Brown, Channing T.
Brown, Patricia B.	Chambers, Mary P.	Copenhaver, Marion L.
Driscoll, William J.	Hill, Richard L.	LaMott, Paul I.
Larson, Nils H., Jr.	Scanlan, David M.	Trelfa, Richard T.
Wadsworth, Karen O.	Ward, Kathleen W.	



**HILLSBOROUGH**

Amidon, Eleanor H.	Asselin, Robert P.	Cote, David E.
Donovan, Francis X.	Dwyer, Patricia R.	Dyer, Merton S.
Fields, Dennis H.	Gage, Ruth E.	Gureckis, Adam C., Sr.
Hanselman, Gregory L.	Holden, Carol H.	Johnson, Lionel W.
King, Frank P.	Larochelle, Roger B.	Laughlin, J. Francis
McCann, Bonnie Lou	McDowell, James E.	Messier, Irene M.
Murphy, Robert E.	Nardi, Theodora P.	O'Rourke, Joanne A.
Record, Alice B.	Reidy, Frank J.	Soucy, Donna M.

**MERRIMACK**

Boucher, Laurent J.	Braiterman, Thea	Chandler, John P.
Dunn, Miriam D.	Feuerstein, Martin	Gilbreth, Robert M.
Gross, Caroline L.	Hager, Elizabeth S.	Hall, Douglas E.
Hill, Michael J.	Johnson, C. William	Kidder, William F.
Letourneau, George E.	Molner, Mary E.	Soldati, Jennifer G.
Teague, Bert	Trombly, Rick A.	Wallner, Mary Jane
Weeks, John F., Jr.	Yeaton, Charles B.	

**ROCKINGHAM**

Bell, Juanita L.	Benton, Richardson D.	Campbell, Marilyn R.
Caswell, Albert, Jr.	Clark, Martha Fuller	Felch, Charles H., Sr.
Hoelzel, Kathleen M.	Hurst, Sharleene P.	Johnson, Robert A.
Kane, Cecelia D.	Klemarczyk, Thaddeus E.	Klemm, Arthur P., Jr.
MacDonald, Joseph A.	McCain, William F.	McGovern, Cynthia A.
Melnick, Roy E.	Pantelakos, Laura C.	Senter, Marilyn P.
Seward, Russell G.	Skinner, Patricia M.	Syracusa, Anthony
Terninko, Margaret B.	Thayer, Leroy C.	Vaughn, Charles L.

**STRAFFORD**

Brown, Julie M.	Flynn, Edward J.	Hashem, Elaine M.
Kincaid, William K.	Kinney, Paula J.	Martling, W. Kent
McCann, William H., Jr.	Merrill, Amanda A.	Pelley, Janet R.
Spencer, Leo J.	Torr, Ann M.	Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.	Behrens, Thomas A.	Burling, Peter Hoe
Schotanus, Merle W.	Stamatakis, Carol M.	

**NAYS 215****BELKNAP**

Accornero, Harry	Bartlett, Gordon E.	Cain, Thomas G.
Campbell, Richard H., Jr.	Golden, Paul A.	Johnson, Carl R.
Joscelyn, William W.	Maviglio, Steven R.	Rice, Thomas E. P., Jr.
Rosen, Ralph J.	Shibley, Arnold P.	Vogler, Charles C.

**CARROLL**

Beach, Mildred A.	Bradley, Jeb E.	Daly, Robert J., Jr.
Dickinson, Howard C.	Wiggin, Allen R.	Wiggin, Gordon E.

**CHESHIRE**

Champagne, Richard L.	Cole, Stacey W.	Crutchley, Donald O.
DePecol, Benjamin J.	Hogan, James B.	Hunt, John B.

Kennison, Wayne A.  
Metzger, Katherine H.  
Young, David A.

LaMar, David M.  
Pearson, Gertrude B.

Laurent, John J.  
Riley, William A.

### COOS

Brungot, Catherine V.  
Guay, Lawrence J.

Buckley, C. Fitzgerald  
Pratt, Leighton C.

Coulombe, Henry W.

### GRAFTON

Adams, Carl S.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.

Christy, C. Dana  
Markley, J. Keith  
Nordgren, Sharon L.

Dow, David  
McIlwaine, Deborah P.  
Shackett, Ralph E.

### HILLSBOROUGH

Ahrens, Frederick G.  
Arnold, Barbara E.  
Baroody, Benjamin C.  
Buckley, Raymond  
Cook, Valerie S.  
Daigle, Robert A.  
Desrosiers, William J.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Ferguson, Charles  
Gagnon, Eugene L.  
Green, Scott E.  
Hall, Betty B.  
Hultgren, David D.  
Jean, Romeo W.  
Kelley, Robert N.  
Lachut, Ervin R.  
Leclerc, Charles J.  
Lozeau, Donnalee M.  
McNerney, Daniel P.  
Packard, Bonnie B.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Stiles, Walter A.  
Upton, Barbara A.  
Wheeler, Robert L.

Alukonis, David J.  
Baker, George H., Sr.  
Bourque, Ann J.  
Calawa, Leon, Jr.  
Cowenhoven, Garret P.  
Daniels, Gary L.  
Dodge, Emma M.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Ferlan, Arthur P.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Healy, Daniel J.  
Janas, Gregory  
Keane, Cornelius J.  
Kurk, Neal M.  
Lawrence, Eva M.  
Lefebvre, Roland J.  
Martin, Mary Ellen  
Moore, Elizabeth A.  
Paquette, Rodolphe G.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Tarpley-Bamberger, Nancy L.  
Vanderlosk, Stanley R.  
White, John M.

Andrews, Frederick B.  
Baldizar, Barbara J.  
Bowers, Dorothy C.  
Chasse, Richard D.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Domaigne, Jacquelyn M.  
Durham, Susan B.  
Fenton, James J.  
Ford, Nancy M.  
Goulet, Maurice E.  
Haettenschwiller, Alphonse  
Healy, Walter F.  
Jasper, Shawn N.  
Kelley, Dana F.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
Lown, Elizabeth D.  
Mason, Howard F.  
Ouellette, Robert O.  
Pepino, Leo P.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Soucy, Richard A.  
Turgeon, Roland M.  
Wheeler, David K.  
Wright, George W.

### MERRIMACK

Apple, Lowell D.  
Carter, Susan D.  
Fair, Patricia A.  
Holmes, Mary C.  
Lewis, Mary Ann  
Nichols, Avis B.  
Stio, Peter M.

Asplund, Bronwyn L.  
Chandler, Earle W.  
Fillion, Paul R.  
Jacobson, Alf E.  
Lockwood, Robert A.  
Smith, Gerald R.

Barberia, Richard A.  
Christie, Thomas J.  
Hayes, Robert C.  
Johnson, Joyce M.  
Millard, Elizabeth S.  
Stapleton, Henry F.

**ROCKINGHAM**

Barnes, John S., Jr.	Boucher, William P.	Buco, Stephen W.
Christie, Andrew, Jr.	Coffey, John J.	Connell, David R.
Conroy, Janet M.	Cooke, Annette M.	Cote, Patricia L.
DiPietro, Carmela M.	Dowd, Sandra K.	Dowling, Patricia A.
Drake, Herbert R.	Dube, LeRoy S.	Flanagan, Natalie S.
Flanders, Harry E.	Ford, Bert H.	Gage, Beverly A.
Greene, Elizabeth A.	Katsakiores, George N.	Katsakiores, Phyllis
Lovejoy, Virginia K.	MacKinnon, Nancy W.	Malcolm, Kenneth W.
McCarthy, John J., Jr.	McKinney, Betsy	Packard, Sherman A.
Raynowska, Bernard J.	Roulston, Donald L.	Rubin, George R.
Schanda, Joseph, Sr.	Smith, Arthur W.	Sytek, Donna P.
Sytek, John J.	Tufts, Arthur	Warburton, Calvin
Welch, David A.	Wells, Henry E.	Weyler, Kenneth L.
Woods, Deborah L.		

**STRAFFORD**

Bickford, Drucilla	Corte, Arthur B.	Douglass, Clyde J.
Foss, Patricia H.	Frechette, Roland A.	Gilmore, Gary R.
Hambrick, Patricia A.	Jankowski, Peter M.	Knowles, William V.
Marston, Robert E.	Nehring, William H.	O'Brien, John
Pageotte, Donald P.	Parks, Joe B.	Sullivan, Henry P.
Torr, Ralph W.	Tsiros, William	Vincent, Francis C.
Wall, Janet G.	Young, John B.	

**SULLIVAN**

Domini, Irene C.	Flint, Gordon B.	Krueger, Richard H.
Lindblade, Eric N.	Middleton, John A.	Peyron, Fredrik
Porter, Robert H.	Rodeschin, Beverly T.	Walsh, Robert R.

and the report failed.

**CONFERENCE COMMITTEE DISCHARGED****NEW CONFERENCE REQUESTED**

Rep. Gross moved that the House discharge the committee of conference on **HB 1026**, relative to a companion bill to the supplemental budget, and request a new committee of conference.

On a division vote, 293 members having voted in the affirmative and 46 in the negative, the motion was adopted.

**SENATE MESSAGES****CONCURRENCE WITH AMENDMENTS**

**SB 319**, separating the AFDC standard of need from the AFDC payment standard, increasing the AFDC standard of need and increasing medicaid eligibility for pregnant women and children.

**SB 378**, transferring certain duties under the uniform reciprocal enforcement of support act from county attorneys to the division of human services and providing for a transition period for such transfer.

**SB 443**, requiring the division for children and youth services to develop, implement and administer an automated case management system and making an appropriation therefor.

### **REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORTS REQUESTS NEW COMMITTEES OF CONFERENCE**

**HB 1138**, relative to the board of trust company incorporation's consideration of petitions for incorporation of savings banks.

The President appointed Sens. Fraser, Pressly and McLane.

Rep. Bonnie Packard moved that the House accede to the request for a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Bonnie Packard, Krueger, Syracuse and Tsiros.

**HB 1344-L**, requiring the house environmental and agriculture and the senate environment committees to review the laws relative to solid waste management and authorizing a municipality to issue bonds to pay the costs of the cleanup of superfund hazardous waste sites.

The President appointed Sens. Wayne King, Hough and Shaheen.

Rep. Elizabeth Greene moved that the House accede to the request for a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Bean, Channing Brown, Elizabeth Greene and Chambers.

**HB 1396-FN**, authorizing municipalities to incur debt in the form of bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills and to clean up certain hazardous waste sites.

The President appointed Sens. Wayne King, Shaheen and Fraser.

Rep. Channing Brown moved that the House accede to the request for a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Beverly Gage, Porter, Channing Brown and Chambers.

### **COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

**HB 1255**, relative to the number of big bingo games charitable organizations may conduct and increasing the one game date prize total value from \$3,500 to \$14,000. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1256-FN-A**, requiring the department of transportation to study the United States Route 3 and New Hampshire Route 11 transportation corridor. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1278**, permitting towns to make bylaws for refuse disposal in specifically-designated bags and altering district court procedure for levying fines against bylaws violators. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1287**, enabling certain municipalities to issue tax lien redemption notes and relative to the transfer of tax liens. (Report printed SJ 26, 5/6/92)

Report adopted.



### SUSPENSION OF RULES

Rep. Krueger moved that the rules be so far suspended as to permit the House to consider the Committee of Conference report on **HB 1295**, which contains a non-germane amendment (Secs. 2, 3 and 4) and spoke in favor.

Adopted by the necessary two-thirds.

**HB 1295**, prohibiting discrimination in insurance policies against elected or appointed officials. (Report printed SJ 21, 5/6/92)

Report adopted.

### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

**HB 1305**, permitting the carrying and selling of antique gun canes. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1329**, specifying the time for the municipal treasurer to make payments of annual budget funds to the village district. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1330**, prohibiting certain credit card practices involving providers of travel services. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1332**, removing the prohibition on use or possession of tobacco products by minors. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1357**, establishing a committee to study the concept of in-home care as an alternative to institutionalized care. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1374**, establishing a task force on women at risk for alcohol and other drug abuse during pregnancy. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1376**, requiring the department of environmental services to assume 20 percent of eligible costs of the Conway sewer system project and making an appropriation for costs payments.

Report adopted.

### SUSPENSION OF RULES

Rep. Dickinson moved that the rules be so far suspended as to permit the House to consider the Committee of Conference report on **HB 1382** which contains a non-germane amendment (Sec. 6), spoke in favor and yielded to questions.

Adopted by the necessary two-thirds.

**HB 1382**, relative to requiring all sellers of property to fully disclose information relative to private water supplies and septic and sewage disposal systems. (Report printed SJ 21, 5/6/92)

Report adopted.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today it be to meet May 7, 1992 at 10:00 a.m.

Adopted.

**LATE SESSION****HOUSE RESOLUTION NO. 71**

saluting state Representative Rick Trombly of Boscawen

WHEREAS, Representative Rick Trombly is the able Deputy Minority Leader of the New Hampshire House of Representatives, and

WHEREAS, Representative Trombly is a "CWIP baby," who was elected to his first term in 1978, and

WHEREAS, he is serving as town moderator of his native town of Boscawen and has served as a selectmen, and

WHEREAS, Representative Trombly's legal given name is Ricky, because his mother had a crush on singer Ricky Nelson at the time of his birth, and

WHEREAS, he is probably lucky his mother did not prefer the music of Elvis Presley, and

WHEREAS, by his own admission, he has never supported a presidential candidate who won, and

WHEREAS, Representative Trombly is notorious for his sweet tooth and affinity for cows, and

WHEREAS, Representative Trombly is the recipient of the first annual Eugene Daniell Award, which honors the person who best personifies the former state representative and Franklin mayor whose motto was "Don't start the revolution without Gene," now therefore be it

**RESOLVED**, by the House of Representatives, that state Representative Rick Trombly be saluted and lauded for receiving the Eugene Daniell Award, and be it further

**RESOLVED**, that Representative Rick Trombly be recognized as an outstanding member of the House of Representatives, and that a suitable copy of this Resolution be prepared for presentation to him.

Unanimously adopted.

**SENATE MESSAGES****REFUSES TO ADOPT COMMITTEE OF CONFERENCE REPORTS****REQUESTS NEW COMMITTEES OF CONFERENCE**

**HB 740-FN**, relative to increasing political expenditure limitations for certain candidates and relative to the penalty for exceeding total expenditure limitations.

The President appointed Sens. Bass, Nelson and Roberge.

Rep. Flanagan moved that the House accede to the request for a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Hager, Holden, Cowenhoven and Nardi.

**HB 1025**, relative to budget adjustments for fiscal years 1992 and 1993.

The President appointed Sens. Dupont, Blaisdell and Hough. Alternates: Sens. Wayne King and Delahunty.

Rep. Gross moved that the House accede to the request for a new Committee of Conference and spoke in favor.

Adopted.

**ACCEDES TO REQUEST FOR NEW COMMITTEE OF CONFERENCE**

**SB 428-FN**, designating segments of the Connecticut River for the rivers management program.

The President appointed Sens. McLane, Fraser and Russman.

Rep. Gross moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 4:53 p.m.

**RECESS**

**ENROLLED BILLS REPORT**

**HB 526**, relative to transfers to the state prison.

**HB 1347**, designating money for the planning and design of a regional vocational education center in Milford.

**HB 1114**, adding and changing certain definitions in the liquor laws and relative to the transportation of wine and liquor.

**HB 1116**, relative to certain liquor and beverage licenses.

**HB 1140**, relative to exempting New Hampshire banks from acquisitions by out-of-state banks and bank holding companies.

**HB 1185**, authorizing the department of transportation to conduct surveys over certain roads, prescribe special rules for student driver training, exempt certain transportation operations from certain motor carrier statutes and relative to laying out class I and II highways.

**HB 1186**, assigning certain dams to the department of fish and game, transferring funds to the dam maintenance fund and authorizing the department of fish and game to purchase the Morrill Pond dam and abutting property in the town of Canterbury.

**HB 1190**, creating a committee to study ways to clarify the relationship between the legislative bodies and governing bodies in towns, school districts and village districts operating under the town meeting form of government with respect to budgetary matters.

**HB 1315**, amending RSA 154 relative to firewards and firefighters, exempting fire investigators from having law enforcement backgrounds, extending the committee studying fire laws, and extending the state historic flag committee and making an appropriation to such committee.

**HB 1386**, establishing a foundation aid formula study committee, authorizing the committee to hire a consultant to study different methods of financing education and making an appropriation therefor.

**HB 1436**, relative to septic setbacks and terrain alteration permits.

**HB 1447**, increasing witness fees for law enforcement officers.

**HB 1473**, establishing a New Hampshire scenic and cultural byways system.

**SB 405**, relative to driver attitude training for repeat and habitual offenders.

**SB 462**, relative to optional allowances and beneficiaries under the New Hampshire retirement system.

Sen. Currier, Rep. Marsh for the Committee

Rep. Ann Torr moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 27

Thursday, May 7, 1992

The House assembled at 10:00 a. m., the hour to which it stood adjourned and was called to order by the Deputy Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

O God our trust, in whose arms we are held, and by whose passion we are known; require of us also that love which is filled with longing, delights in the truth, and costs not less than everything. And may we who confess Your faith prove it in our lives, with abundant joy, outrageous hope, and dependence on nothing but Your word alone. Amen.

Rep. Romeo Jean led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Morse, Parr and Stewart, the day, illness.

Reps. Thomas Christie, Arnesen, Drake, McRae, Claudette Jean, McKinney, Carpenter, Guest, Perry, Whittemore, Paul White, Dewhirst, Walsh, Gosselin, Annette Cooke and Hoar, the day important business.

Rep. Hynes, the day, illness in the family.

### INTRODUCTION OF GUESTS

Mr. & Mrs. Peter Rocca, Mr. & Mrs. Bernard Divine and George Shatford, guests of Reps. Gagnon and King. Kent Sawyer, grandson of Rep. Sawyer. John Root, guest of Rep. Shackett. Sarah Lown, Bettina Meier and Cornelia Krebs, guests of Rep. Lown. Dina Dodina and Zarra Lyakhovitskaya, exchange students from St. Petersburg, Russia, guests of Reps. Katherine Wheeler and Amanda Merrill. Meggie Morse Horstmann, wife of Rev. Horstmann. Former Rep. Barbara Bowler, guest of Speaker Burns.

### SENATE MESSAGE REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE

**HB 1211**, permitting public employees to file an unfair labor practice complaint after a certain time without exhausting administrative remedies.

The Chair requested a quorum count.

A quorum was declared present.

### COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

**HB 1399**, changing the name of the board of examiners of psychologists to the board of examiners of psychology and mental health practice, expanding such board, and certifying mental health counselors. (Report printed SJ 22, 5/7/92)

Rep. Dunn spoke against and yielded to questions.

Reps. Emerton and Ward spoke in favor and yielded to questions.

Rep. Scott Green spoke against.

Roll call request sufficiently seconded.

The question being the adoption of the Committee of Conference report.



**YEAS 78****NAYS 218****YEAS 78  
BELKNAP**

Campbell, Richard H., Jr. Ziegra, Alice S.

**CARROLL**

Chandler, Gene G.

Daly, Robert J., Jr.

Foster, Robert W.

**CHESHIRE**

Pratt, Irene A.

**COOS**Burns, Harold W.  
Theriault, Romeo J.

Horton, Lynn C.

Marsh, Beaton

**GRAFTON**Adams, Carl S.  
Christy, C. Dana  
Nielsen, Niels F., Jr.  
Ward, Kathleen W.Bean, Pamela B.  
Driscoll, William J.  
Scanlan, David M.Brown, Channing T.  
Larson, Nils H., Jr.  
Trelfa, Richard T.**HILLSBOROUGH**Ahrens, Frederick G.  
Donovan, Francis X.  
Emerton, Lawrence A.  
Johnson, Lionel W.  
Laroche, Roger B.  
McNerney, Daniel P.  
Smith, Leonard A.  
Vanderlosk, Stanley R.Bowers, Dorothy C.  
Dyer, Merton S.  
Ford, Nancy M.  
Kelley, Dana F.  
Laughlin, J. Francis  
Packard, Bonnie B.  
Tarpley-Bamberger, Nancy L.  
Wheeler, David K.Cowenhoven, Garret P.  
Elliott, Larry G.  
Jean, Romeo W.  
Lachut, Ervin R.  
McCann, Bonnie Lou  
Record, Alice B.  
Turgeon, Roland M.**MERRIMACK**Boucher, Laurent J.  
Gross, Caroline L.  
Kidder, William F.  
Smith, Gerald R.  
Teague, BertBraiterman, Thea  
Hager, Elizabeth S.  
Letourneau, George E.  
Stapleton, Henry F.Chandler, Earle W.  
Johnson, C. William  
Lockwood, Robert A.  
Stio, Peter M.**ROCKINGHAM**Benton, Richardson D.  
Felch, Charles H., Sr.  
Gage, Beverly A.  
Klemm, Arthur P., Jr.Boucher, William P.  
Flanagan, Natalie S.  
Johnson, Robert A.  
MacDonald, Joseph A.Dowd, Sandra K.  
Flanders, John W., Sr.  
Katsakiores, George N.  
Smith, Arthur W.**STRAFFORD**Bickford, Drucilla  
O'Brien, JohnBrown, Julie M.  
Torr, Ann M.

Flynn, Edward J.

**SULLIVAN**Domini, Irene C.  
Rodeschin, Beverly T.Lindblade, Eric N.  
Schotanus, Merle W.

Middleton, John A.

### NAYS 218 BELKNAP

Accornero, Harry  
Golden, Paul A.  
Joscelyn, William W.  
Rosen, Ralph J.

Bartlett, Gordon E.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Turner, Robert H.

Cain, Thomas G.  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Vogler, Charles C.

### CARROLL

Allard, Nanci A.  
Dickinson, Howard C.  
Saunders, Howard N.

Beach, Mildred A.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Bradley, Jeb E.  
Jean, Robert R.  
Wiggin, Gordon E.

### CHESHIRE

Burnham, Daniel M.  
Cole, Stacey W.  
Doucette, Richard F.  
Grodin, Richard A.  
LaMar, David M.  
Mohr, Frederick C., Jr.  
Sawyer, Alfred P.

Champagne, Richard L.  
Crutchley, Donald O.  
Feuer, Joseph N.  
Hunt, John B.  
Laurent, John J.  
Pearson, Gertrude B.  
Young, David A.

Clark, Eugene W.  
DePecol, Benjamin J.  
Foster, Katherine D.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Riley, William A.

### COOS

Brungot, Catherine V.  
Hawkinson, Marie C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Coulombe, Henry W.  
Kilbride, Dennis J.  
Nelson, Harold D.

Guay, Lawrence J.  
Mayhew, Josephine  
Oliver, Terry D.

### GRAFTON

Brown, Patricia B.  
Hill, Richard L.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

Chambers, Mary P.  
Lougee, Richard W.  
Nordgren, Sharon L.  
Wadsworth, Karen O.

Copenhaver, Marion L.  
Markley, J. Keith  
Shackett, Ralph E.

### HILLSBOROUGH

Amidon, Eleanor H.  
Baker, George H., Sr.  
Bourque, Ann J.  
Chasse, Richard D.  
Cote, David E.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Fenton, James J.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Hultgren, David D.  
Kelley, Robert N.  
Lawrence, Eva M.  
Lozeau, Donnalee M.  
McDowell, James E.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.

Andrews, Frederick B.  
Baldizar, Barbara J.  
Buckley, Raymond  
Clemons, Jane A.  
Daigle, Robert A.  
Dodge, Emma M.  
Drolet, Paul L.  
Ferguson, Charles  
Green, Scott E.  
Hall, Betty B.  
Healy, Walter F.  
Janas, Gregory  
Kurk, Neal M.  
Lawrence, Norman B.  
Martin, Mary Ellen  
Mercer, Robert S.  
Murphy, Robert E.  
Ouellette, Robert O.

Arnold, Barbara E.  
Baroody, Benjamin C.  
Calawa, Leon, Jr.  
Cook, Valerie S.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Fields, Dennis H.  
Greenglass, Alan B.  
Hanselman, Gregory L.  
Holden, Carol H.  
Jasper, Shawn N.  
L'Heureux, Robert J.  
Lown, Elizabeth D.  
Mason, Howard F.  
Messier, Irene M.  
Nardi, Theodora P.  
Paquette, Rodolphe G.

Pepino, Leo P.  
Rheault, Lillian I.  
Rothhaus, Finlay C.  
Soucy, Donna M.  
Tate, Joan C.  
White, John M.

Peters, Stanley W.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Soucy, Richard A.  
Upton, Barbara A.

Reidy, Frank J.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Stiles, Walter A.  
Wheeler, Robert L.

### MERRIMACK

Apple, Lowell D.  
Chandler, John P.  
Fair, Patricia A.  
Gilbreth, Robert M.  
Johnson, Joyce M.  
Nichols, Avis B.  
Wallner, Mary Jane

Barberia, Richard A.  
Daneault, Gabriel J.  
Feuerstein, Martin  
Hall, Douglas E.  
Lewis, Mary Ann  
Soldati, Jennifer G.  
Weeks, John F., Jr.

Carter, Susan D.  
Dunn, Miriam D.  
Fillion, Paul R.  
Jacobson, Alf E.  
Molner, Mary E.  
Trombly, Rick A.  
Yeaton, Charles B.

### ROCKINGHAM

Barnes, John S., Jr.  
Caswell, Albert, Jr.  
Connell, David R.  
DiPietro, Carmela M.  
Ford, Bert H.  
Kane, Cecelia D.  
Malcolm, Kenneth W.  
Melnick, Roy E.  
Raynowska, Bernard J.  
Senter, Merilyn P.  
Sytek, Donna P.  
Vaughn, Charles L.  
Wells, Henry E.

Bell, Juanita L.  
Clark, Martha Fuller  
Conroy, Janet M.  
Dube, LeRoy S.  
Greene, Elizabeth A.  
Klemarczyk, Thaddeus E.  
McCarthy, John J., Jr.  
Packard, Sherman A.  
Rubin, George R.  
Skinner, Patricia M.  
Terninko, Margaret B.  
Warburton, Calvin  
Weyler, Kenneth L.

Campbell, Marilyn R.  
Coffey, John J.  
Cote, Patricia L.  
Flanders, David A.  
Griebsch, Linda  
Lovejoy, Virginia K.  
McGovern, Cynthia A.  
Pantelakos, Laura C.  
Schanda, Joseph, Sr.  
Syracusa, Anthony  
Tufts, Arthur  
Welch, David A.  
Woods, Deborah L.

### STRAFFORD

Douglass, Clyde J.  
Hambrick, Patricia A.  
Kinney, Paula J.  
McCann, William H., Jr.  
Nehring, William H.  
Pelley, Janet R.  
Wheeler, Katherine W.

Foss, Patricia H.  
Jankowski, Peter M.  
Knowles, William V.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Young, John B.

Gilmore, Gary R.  
Kincaid, William K.  
Marston, Robert E.  
Musler, George T.  
Parks, Joe B.  
Vincent, Francis C.

### SULLIVAN

Allison, David C.  
Krueger, Richard H.  
and the report failed.

Burling, Peter Hoe  
Peyron, Fredrik

Flint, Gordon B.  
Porter, Robert H.

### CONFERENCE COMMITTEE DISCHARGED NEW CONFERENCE REQUESTED

Rep. Baldizar moved that the House discharge the committee of conference on **HB 1399**, changing the name of the board of examiners of psychologists to the board of examiners of psychology and mental health practice, expanding such board, and certifying mental health counselors, and request a new committee of conference.

Adopted.

The Speaker appointed Reps. Ward, Dowd, Goulet and Gosselin.

(Speaker Burns in the Chair)

# **COMMITTEE OF CONFERENCE REPORT ON HOUSE BILL**

**HB 1400**, relative to the comprehensive shoreland protection act. (Report printed SJ 21, 5/6/92)

Rep. Guay spoke against and yielded to questions.

Reps. Dickinson and Maviglio spoke in favor and yielded to questions.

Roll call sufficiently seconded.

The question being the adoption of the Committee of Conference report.

## **YEAS 241**

### **YEAS 241**

#### **BELKNAP**

Accornero, Harry  
Golden, Paul A.  
Maviglio, Steven R.  
Turner, Robert H.

Bartlett, Gordon E.  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Zaharchuk, Peter J., Jr.

## **NAYS 74**

Campbell, Richard H., Jr.  
Joscelyn, William W.  
Rosen, Ralph J.  
Ziegra, Alice S.

### **CARROLL**

Beach, Mildred A.  
Dickinson, Howard C.  
Jean, Robert R.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Daly, Robert J., Jr.  
Foster, Robert W.  
Wiggin, Gordon E.

### **CHESHIRE**

Burnham, Daniel M.  
Crutchley, Donald O.  
Foster, Katherine D.  
Kingsbury, H. Thayer  
Metzger, Katherine H.  
Pratt, Irene A.  
Young, David A.

Champagne, Richard L.  
DePecol, Benjamin J.  
Grodin, Richard A.  
LaMar, David M.  
Mohr, Frederick C., Jr.  
Riley, William A.

Clark, Eugene W.  
Doucette, Richard F.  
Hunt, John B.  
Laurent, John J.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

### **COOS**

Buckley, C. Fitzgerald  
Kilbride, Dennis J.  
Nelson, Harold D.

Coulombe, Henry W.  
Marsh, Beaton  
Oliver, Terry D.

Hawkinson, Marie C.  
Mayhew, Josephine

### **GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
LaMott, Paul I.  
McIlwaine, Deborah P.  
Teschner, Douglass P.  
Ward, Kathleen W.

Bean, Pamela B.  
Chambers, Mary P.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Trelfa, Richard T.

Brown, Channing T.  
Copenhaver, Marion L.  
Lougee, Richard W.  
Scanlan, David M.  
Wadsworth, Karen O.

### **HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Bourque, Ann J.  
Chasse, Richard D.  
Cote, David E.  
Domaingue, Jacquelyn M.

Amidon, Eleanor H.  
Asselin, Robert P.  
Bowers, Dorothy C.  
Clemons, Jane A.  
Cowenhoven, Garret P.  
Donovan, Francis X.

Andrews, Frederick B.  
Baldizar, Barbara J.  
Buckley, Raymond  
Cook, Valerie S.  
Desrosiers, William J.  
Drabinowicz, A. Theresa



Drolet, Paul L.	Durham, Susan B.	Elliott, Larry G.
Emerton, Lawrence A.	Fenton, James J.	Ferguson, Charles
Ford, Nancy M.	Gage, Ruth E.	Gagnon, Eugene L.
Green, Scott E.	Haettenschwiller, Alphonse	Hall, Betty B.
Hanselman, Gregory L.	Healy, Daniel J.	Holden, Carol H.
Hultgren, David D.	Janas, Gregory	Jasper, Shawn N.
Jean, Romeo W.	Kelley, Dana F.	Kelley, Robert N.
King, Frank P.	L'Heureux, Robert J.	Larochelle, Roger B.
Laughlin, J. Francis	Lown, Elizabeth D.	Lozeau, Donnalee M.
Martin, Mary Ellen	Mason, Howard F.	McCann, Bonnie Lou
McNerney, Daniel P.	Mercer, Robert S.	Messier, Irene M.
Moore, Elizabeth A.	Murphy, Robert E.	Nardi, Theodora P.
O'Rourke, Joanne A.	Packard, Bonnie B.	Paquette, Rodolphe G.
Pepino, Leo P.	Peters, Stanley W.	Reidy, Frank J.
Rheault, Lillian I.	Robinson, Ellen-Ann	Sallada, Roland A.
Searles, Stanley N., Sr.	Smith, Leonard A.	Soucy, Donna M.
Soucy, Richard A.	Tarpley-Bamberger, Nancy L.	Tate, Joan C.
Vanderlosk, Stanley R.	White, John M.	Wright, George W.

**MERRIMACK**

Apple, Lowell D.	Barberia, Richard A.	Boucher, Laurent J.
Braiterman, Thea	Carter, Susan D.	Chandler, John P.
Daneault, Gabriel J.	Dunn, Miriam D.	Fair, Patricia A.
Feuerstein, Martin	Fillion, Paul R.	Gilbreth, Robert M.
Gross, Caroline L.	Hager, Elizabeth S.	Hall, Douglas E.
Hill, Michael J.	Jacobson, Alf E.	Johnson, C. William
Johnson, Joyce M.	Kidder, William F.	Letourneau, George E.
Lewis, Mary Ann	Lockwood, Robert A.	Molner, Mary E.
Nichols, Avis B.	Soldati, Jennifer G.	Stio, Peter M.
Teague, Bert	Trombly, Rick A.	Wallner, Mary Jane
Weeks, John F., Jr.	Yeaton, Charles B.	

**ROCKINGHAM**

Barnes, John S., Jr.	Bell, Juanita L.	Benton, Richardson D.
Boucher, William P.	Caswell, Albert, Jr.	Clark, Martha Fuller
Coffey, John J.	Connell, David R.	Conroy, Janet M.
Cote, Patricia L.	DiPietro, Carmela M.	Dowd, Sandra K.
Flanagan, Natalie S.	Flanders, Harry E.	Flanders, John W., Sr.
Ford, Bert H.	Griebsch, Linda	Hurst, Sharleene P.
Kane, Cecelia D.	Katsakiores, George N.	Klemarczyk, Thaddeus E.
Klemm, Arthur P., Jr.	Lovejoy, Virginia K.	MacDonald, Joseph A.
McGovern, Cynthia A.	Pantelakos, Laura C.	Senter, Marilyn P.
Skinner, Patricia M.	Smith, Arthur W.	Syracusa, Anthony
Sytek, Donna P.	Terninko, Margaret B.	Tufts, Arthur
Vaughn, Charles L.	Wells, Henry E.	Weyler, Kenneth L.
Woods, Deborah L.		

**STRAFFORD**

Bickford, Drucilla	Brown, Julie M.	Corte, Arthur B.
Flynn, Edward J.	Foss, Patricia H.	Gilmore, Gary R.
Hambrick, Patricia A.	Jankowski, Peter M.	Keans, Sandra B.

Kinney, Paula J.  
Martling, W. Kent  
Nehring, William H.  
Parks, Joe B.  
Torr, Ann M.  
Wheeler, Katherine W.

Knowles, William V.  
McCann, William H., Jr.  
O'Brien, John  
Pelley, Janet R.  
Vincent, Francis C.  
Young, John B.

Marston, Robert E.  
Merrill, Amanda A.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Wall, Janet G.

#### **SULLIVAN**

Allison, David C.  
Flint, Gordon B.  
Porter, Robert H.  
Stamatakis, Carol M.

Behrens, Thomas A.  
Krueger, Richard H.  
Rodeschin, Beverly T.

Burling, Peter Hoe  
Middleton, John A.  
Schotanus, Merle W.

#### **NAYS 74**

#### **BELKNAP**

Cain, Thomas G.

Holbrook, Robert G.

Vogler, Charles C.

#### **CARROLL**

Allard, Nanci A.

Chandler, Gene G.

Saunders, Howard N.

#### **CHESHIRE**

Cole, Stacey W.

Feuer, Joseph N.

#### **COOS**

Brungot, Catherine V.  
Merrill, Gerald P.

Guay, Lawrence J.  
Pratt, Leighton C.

Horton, Lynn C.  
Theriault, Romeo J.

#### **GRAFTON**

Christy, C. Dana  
Nielsen, Niels F., Jr.

Driscoll, William J.  
Shackett, Ralph E.

Markley, J. Keith

#### **HILLSBOROUGH**

Baker, George H., Sr.  
Crotty, Edward J.  
Desrochers, Gerard T.  
Ferlan, Arthur P.  
Greenglass, Alan B.  
Lachut, Ervin R.  
McDowell, James E.  
Rodgers, G. Philip  
Turgeon, Roland M.  
Wheeler, Robert L.

Baroody, Benjamin C.  
Daigle, Robert A.  
Dodge, Emma M.  
Fields, Dennis H.  
Healy, Walter F.  
Lawrence, Eva M.  
Ouellette, Robert O.  
Rothhaus, Finlay C.  
Upton, Barbara A.

Calawa, Leon, Jr.  
Daniels, Gary L.  
Dyer, Merton S.  
Goulet, Maurice E.  
Johnson, Lionel W.  
Lawrence, Norman B.  
Riley, Frances L.  
Stiles, Walter A.  
Wheeler, David K.

#### **MERRIMACK**

Chandler, Earle W.

Smith, Gerald R.

Stapleton, Henry F.

#### **ROCKINGHAM**

Campbell, Marilyn R.  
Felch, Charles H., Sr.  
Greene, Elizabeth A.  
McCarthy, John J., Jr.  
Raynowska, Bernard J.  
Warburton, Calvin

Christie, Andrew, Jr.  
Flanders, David A.  
Johnson, Robert A.  
Melnick, Roy E.  
Rubin, George R.  
Welch, David A.

Dube, LeRoy S.  
Gage, Beverly A.  
Malcolm, Kenneth W.  
Packard, Sherman A.  
Sytek, John J.

**STRAFFORD**

Douglass, Clyde J.  
Tsiros, William

Kincaid, William K.

Musler, George T.

**SULLIVAN**

Domini, Irene C.

Lindblade, Eric N.

Peyron, Fredrik

and the report was adopted.

Rep. Record notified the Clerk that she wished to be recorded in favor of the report.

**CONFEREE CHANGE**

**HB 1399-FN**, Reps. Robinson, Patricia Brown, Wadsworth and Baldizar replaced Reps. Ward, Dowd, Goulet and Gosselin.

**SENATE MESSAGE****ACCEDES TO REQUESTS FOR NEW COMMITTEE OF CONFERENCE**

**HB 1399-FN**, changing the name of the board of examiners of psychologists to the board of examiners of psychology and mental health practice, expanding such board, and certifying mental health counselors.

The President appointed Sens. Fraser, Pressly and Colantuono.

**HB 1026**, relative to a companion bill to the supplemental budget.

The President appointed Sens. Dupont, Hough and Blaisdell. Alternates: Sens. Wayne King and Delahunty.

**HOUSE CONFEREES**

**HB 1025-A**, relative to budget adjustments for fiscal years 1992 and 1993.

The Speaker appointed Reps. Gross, Hager, Burns, Channing Brown and Chambers. Alternates: Reps. Schotanus, Douglas Hall and Nardi.

**HB 1026**, relative to a companion bill to the supplemental budget.

The Speaker appointed Reps. Channing Brown, Burns, Jasper and Chambers. Alternates: Reps. Hager and Donna Sytek.

**RECESS**

**(Rep. Michael Hill in the Chair)**

**ENROLLED BILLS REPORT**

**HB 505**, relative to the normal yield tax, the extension of the reporting deadline for the study committee on clearcutting forest resources, the report of cut, and creating a committee to study forest protection and management.

**HB 693**, relative to forfeiture of items seized in connection with controlled drug offenses.

**HB 1252**, creating exceptions from and reciprocity for state water laboratory certification, clarifying the use of fees for certifying state water laboratories, and changing the special account into a special continuously appropriated revolving fund account.

**HB 1287**, enabling certain municipalities to issue tax lien redemption notes and relative to the transfer of tax liens.

**SB 334**, authorizing the division of public health services to carry out a rabies surveillance to identify and gauge the threat to the public's health and making an appropriation therefore.

Sen. Currier, Rep. Dunn for the Committee

**COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

**HB 1430**, relative to the disclosure of certain information and refunds relating to musical performances. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1439**, instituting a motor vehicle emissions inspection program and requiring a study of diesel and other vehicles. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1455**, relative to motor vehicle laws, including suspension of wholesale motor vehicle dealer's registration, hanging disability placards, and other technical changes. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1468**, relative to special education catastrophic aid. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1478-FN-L**, restructuring the Pease development authority. (Report printed SJ 21, 5/6/92)

Rep. Douglas Hall spoke against.

Rep. Ferguson spoke against and yielded to questions.

Rep. Fuller Clark spoke in favor.

Reps. Syracuse and Robert Foster spoke in favor and yielded to questions.

Rep. Copenhaver yielded to questions.

Roll call request sufficiently seconded.

The question being the adoption of the Committee of Conference report.

Reps. Gross and Carter declared that a conflict of interest existed and they did not participate.

#### YEAS 150

#### YEAS 150

#### BELKNAP

Bartlett, Gordon E.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Cain, Thomas G.  
Rosen, Ralph J.  
Ziegra, Alice S.

#### NAYS 185

Johnson, Carl R.  
Shibley, Arnold P.

#### CARROLL

Bradley, Jeb E.  
Dickinson, Howard C.  
Jean, Robert R.

Chandler, Gene G.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Daly, Robert J., Jr.  
Foster, Robert W.

#### CHESHIRE

Clark, Eugene W.  
Kennison, Wayne A.  
Mohr, Frederick C., Jr.

Feuer, Joseph N.  
Kingsbury, H. Thayer

Grodin, Richard A.  
Metzger, Katherine H.

#### COOS

Brungot, Catherine V.  
Horton, Lynn C.  
Oliver, Terry D.

Burns, Harold W.  
Kilbride, Dennis J.  
Pratt, Leighton C.

Guay, Lawrence J.  
Marsh, Beaton

#### GRAFTON

Adams, Carl S.  
Hill, Richard L.  
Shackett, Ralph E.

Brown, Channing T.  
Lougee, Richard W.  
Trelfa, Richard T.

Christy, C. Dana  
Nielsen, Niels F., Jr.



**HILLSBOROUGH**

Ackerman, Philip M.  
 Arnold, Barbara E.  
 Baldizar, Barbara J.  
 Cowenhoven, Garret P.  
 Donovan, Francis X.  
 Emerton, Lawrence A.  
 Healy, Walter F.  
 Lefebvre, Roland J.  
 McNerney, Daniel P.  
 Packard, Bonnie B.  
 Robinson, Ellen-Ann  
 Smith, Leonard A.  
 Tate, Joan C.

Amidon, Eleanor H.  
 Asselin, Robert P.  
 Bowers, Dorothy C.  
 Crotty, Edward J.  
 Drolet, Paul L.  
 Fields, Dennis H.  
 L'Heureux, Robert J.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Pepino, Leo P.  
 Rodgers, G. Philip  
 Soucy, Richard A.  
 Vanderlosk, Stanley R.

Andrews, Frederick B.  
 Baker, George H., Sr.  
 Buckley, Raymond  
 Desrosiers, William J.  
 Durham, Susan B.  
 Greenglass, Alan B.  
 Lawrence, Eva M.  
 McDowell, James E.  
 Moore, Elizabeth A.  
 Record, Alice B.  
 Searles, Stanley N., Sr.  
 Stiles, Walter A.  
 Wheeler, Robert L.

**MERRIMACK**

Asplund, Bronwyn L.  
 Hager, Elizabeth S.  
 Lockwood, Robert A.  
 Stio, Peter M.

Barberia, Richard A.  
 Holmes, Mary C.  
 Molner, Mary E.

Chandler, John P.  
 Johnson, C. William  
 Stapleton, Henry F.

**ROCKINGHAM**

Bell, Juanita L.  
 Clark, Martha Fuller  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Hurst, Sharleene P.  
 Katsakiores, Phyllis  
 Malcolm, Kenneth W.  
 Melnick, Roy E.  
 Schanda, Joseph, Sr.  
 Terninko, Margaret B.  
 Vaughn, Charles L.  
 Weyler, Kenneth L.

Boucher, William P.  
 Coffey, John J.  
 Dowling, Patricia A.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 McCarthy, John J., Jr.  
 Pantelakos, Laura C.  
 Senter, Marilyn P.  
 Thayer, Leroy C.  
 Warburton, Calvin  
 Woods, Deborah L.

Christie, Andrew, Jr.  
 Conroy, Janet M.  
 Dube, LeRoy S.  
 Flanders, John W., Sr.  
 Griebisch, Linda  
 Katsakiores, George N.  
 MacDonald, Joseph A.  
 McGovern, Cynthia A.  
 Rosencrantz, James R.  
 Syracuse, Anthony  
 Tufts, Arthur  
 Wells, Henry E.

**STRAFFORD**

Bickford, Drucilla  
 Foss, Patricia H.  
 Kincaid, William K.  
 Martling, W. Kent  
 Pelley, Janet R.  
 Tsiros, William  
 Young, John B.

Brown, Julie M.  
 Frechette, Roland A.  
 Kinney, Paula J.  
 Nehring, William H.  
 Torr, Ann M.  
 Vincent, Francis C.

Flynn, Edward J.  
 Hambrick, Patricia A.  
 Knowles, William V.  
 Parks, Joe B.  
 Torr, Ralph W.  
 Wheeler, Katherine W.

**SULLIVAN**

Behrens, Thomas A.  
 Porter, Robert H.

Krueger, Richard H.  
 Rodeschin, Beverly T.

Peyron, Fredrik

### NAYS 185 BELKNAP

Accornero, Harry  
Hawkins, Robert S.  
Maviglio, Steven R.

Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Vogler, Charles C.

Golden, Paul A.  
Joscelyn, William W.

### CARROLL

Allard, Nanci A.  
Wiggin, Gordon E.

Beach, Mildred A.  
Saunders, Howard N.

### CHESHIRE

Burnham, Daniel M.  
Cole, Stacey W.  
Doucette, Richard F.  
Hunt, John B.  
Pearson, Gertrude B.

Champagne, Richard L.  
Crutchley, Donald O.  
Foster, Katherine D.  
LaMar, David M.  
Pratt, Irene A.

Cole, Kenneth A.  
DePecol, Benjamin J.  
Hogan, James B.  
Laurent, John J.  
Sawyer, Alfred P.

### COOS

Coulombe, Henry W.  
Merrill, Gerald P.

Hawkinson, Marie C.  
Nelson, Harold D.

Mayhew, Josephine  
Theriault, Romeo J.

### GRAFTON

Bean, Pamela B.  
Copenhaver, Marion L.  
Markley, J. Keith  
Scanlan, David M.

Brown, Patricia B.  
Driscoll, William J.  
McIlwaine, Deborah P.  
Teschner, Douglass P.

Chambers, Mary P.  
Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Ward, Kathleen W.

### HILLSBOROUGH

Ahrens, Frederick G.  
Calawa, Leon, Jr.  
Cook, Valerie S.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Dyer, Merton S.  
Ferguson, Charles  
Gage, Ruth E.  
Green, Scott E.  
Hanselman, Gregory L.  
Hultgren, David D.  
Jean, Romeo W.  
Kelley, Dana F.  
Kurk, Neal M.  
Laughlin, J. Francis  
Lown, Elizabeth D.  
Mason, Howard F.  
Nardi, Theodora P.  
Peters, Stanley W.  
Riley, Frances L.  
Soucy, Donna M.  
Upton, Barbara A.  
Wright, George W.

Baroody, Benjamin C.  
Chasse, Richard D.  
Cote, David E.  
Desrochers, Gerard T.  
Drabinowicz, A. Theresa  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gagnon, Eugene L.  
Haettenschwiller, Alphonse  
Healy, Daniel J.  
Janas, Gregory  
Johnson, Lionel W.  
Kelley, Robert N.  
Lachut, Ervin R.  
Lawrence, Norman B.  
Lozeau, DonnaLee M.  
Messier, Irene M.  
Ouellette, Robert O.  
Reidy, Frank J.  
Rothhaus, Finlay C.  
Tarpley-Bamberger, Nancy L.  
Wheeler, David K.

Bourque, Ann J.  
Clemons, Jane A.  
Daigle, Robert A.  
Dodge, Emma M.  
Dwyer, Patricia R.  
Fenton, James J.  
Ford, Nancy M.  
Goulet, Maurice E.  
Hall, Betty B.  
Holden, Carol H.  
Jasper, Shawn N.  
Jordan, Mary H.  
King, Frank P.  
Larochelle, Roger B.  
Leclerc, Charles J.  
Martin, Mary Ellen  
Murphy, Robert E.  
Paquette, Rodolphe G.  
Rheault, Lillian I.  
Sallada, Roland A.  
Turgeon, Roland M.  
White, John M.

**MERRIMACK**

Apple, Lowell D.	Boucher, Laurent J.	Braiterman, Thea
Chandler, Earle W.	Daneault, Gabriel J.	Dunn, Miriam D.
Fair, Patricia A.	Feuerstein, Martin	Fillion, Paul R.
Gilbreth, Robert M.	Hall, Douglas E.	Hayes, Robert C.
Jacobson, Alf E.	Johnson, Joyce M.	Kidder, William F.
Letourneau, George E.	Lewis, Mary Ann	Millard, Elizabeth S.
Nichols, Avis B.	Smith, Gerald R.	Soldati, Jennifer G.
Teague, Bert	Trombly, Rick A.	Wallner, Mary Jane
Weeks, John F., Jr.	Yeaton, Charles B.	

**ROCKINGHAM**

Barnes, John S., Jr.	Benton, Richardson D.	Campbell, Marilyn R.
Connell, David R.	Cote, Patricia L.	DiPietro, Carmela M.
Felch, Charles H., Sr.	Flanders, David A.	Gage, Beverly A.
Hoelzel, Kathleen M.	Hutchinson, Karen K.	Johnson, Robert A.
Klemarczyk, Thaddeus E.	Lovejoy, Virginia K.	MacKinnon, Nancy W.
McCain, William F.	Packard, Sherman A.	Raynowska, Bernard J.
Roulston, Donald L.	Rubin, George R.	Seward, Russell G.
Smith, Arthur W.	Sytek, Donna P.	Sytek, John J.
Welch, David A.		

**STRAFFORD**

Corte, Arthur B.	Douglass, Clyde J.	Gilmore, Gary R.
Hashem, Elaine M.	Jankowski, Peter M.	Keans, Sandra B.
McCann, William H., Jr.	Merrill, Amanda A.	O'Brien, John
Pageotte, Donald P.	Spencer, Leo J.	Sullivan, Henry P.
Wall, Janet G.		

**SULLIVAN**

Allison, David C.	Burling, Peter Hoe	Domini, Irene C.
Flint, Gordon B.	Harland, Jane A.	Lindblade, Eric N.
Middleton, John A.	Schotanus, Merle W.	Stamatakis, Carol M.

and the report failed.

Rep. Braiterman notified that Clerk that she inadvertently voted nay and intended to vote yea.

**CONFERENCE COMMITTEE DISCHARGED**

Rep. Douglas Hall moved that the House discharge the committee of conference on **HB 1478**, relative to the Pease development authority, the health services planning and review board, and the establishment of standards for issuance of a certificate of need for a facility at the former Pease air Force Base.

Adopted.

**COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS**

**HB 1491**, requiring professional fundraisers for police, law enforcement and firefighters' associations to register with and be regulated by the department of justice, increasing the amount of the registration fee, solicitation fee and bond, and making technical amendments to the registration law. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1493**, relative to extending the east-west highway study deadline. (Report printed SJ 21, 5/6/92)

Report adopted.

**HB 1495**, establishing a committee to study the management of New Hampshire tidal waters and related issues. (Report printed SJ 21, 5/6/92)

Report adopted.

### SUSPENSION OF RULES

Reps. Gross and Chambers move that the rules be so far suspended as to permit consideration at the present time, without distribution on a previous day, of Committee of Conference report on **SB 428-FN**, designating segments of the Connecticut River for the rivers management program and allowing existing hydroelectric facilities to maintain operations, **HB 740-FN**, relative to increasing political expenditure limitations for certain candidates and relative to the penalty for exceeding total expenditure limitations, **HB 1138**, relative to the board of trust company incorporation's consideration of petitions for incorporation of savings banks, **HB 1344-L**, requiring the house environment and agriculture and the senate environment committee to review the laws relative to solid waste management and **HB 1396**, authorizing municipalities to incur debt in the form of bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills and to clean up hazardous waste sites.

Adopted by the necessary two-thirds.

### COMMITTEE OF CONFERENCE REPORT ON SB 428-FN

The committee of conference to which was referred Senate Bill 428-FN, An Act designating segments of the Connecticut River for the rivers management program and allowing existing hydroelectric facilities to maintain operations having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 9 the following new section and renumbering the original section 10 to read as 11:

10 Reclassification. Notwithstanding RSA 483:15, VIII(1), the segment of the Connecticut River from Wheeler Stream to Paul Stream shall be designated as a natural river on January 1, 1993. Such natural river designation shall not apply to any entity or person who has filed an application with the department of environmental services for a solid waste landfill permit by December 31, 1992, unless such application is withdrawn or is finally denied and all appeals have been exhausted with respect to the application filed by December 31, 1992.

Conferees: Sen. Russman, Dist. 19, Sen. McLane, Dist. 15, Sen. Fraser, Dist. 4.

Conferees: Rep. Dickinson, Carr. 2, Rep. Schotanus, Sull. 1, Rep. C.F. Buckley, Coos. 2, Rep. Maviglio, Belk. 1.

Report adopted.

### CONFERENCE REPORTS ON HOUSE BILLS

**HB 740-FN**, relative to increasing political expenditure limitations for certain candidates and relative to the penalty for exceeding total expenditure limitations. (Report printed SJ 22, 5/7/92)

Rep. Hager spoke in favor and yielded to questions.



Report adopted.

**HB 1138**, relative to the board of trust company incorporation's consideration of petitions for incorporation of savings banks. (Report printed SJ 22, 5/7/92)

Report adopted.

**HB 1344-L**, requiring the house environment and agriculture and the senate environment committee to review the laws relative to solid waste management. (Report printed SJ 22, 5/7/92)

On a division vote 263 members having voted in the affirmative and 31 in the negative, the report was adopted.

**HB 1396**, authorizing municipalities to incur debt in the form of bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills and to clean up hazardous waste sites. (Report printed SJ 22, 5/7/92)

Report adopted.

### SUSPENSION OF RULES

Rep. Gross moved that the rules be so far suspended as to permit consideration at the present time of **SCR 13**, accepting the factfinder's report and recommendation relative to contract negotiations between the State Employees Association and the state of New Hampshire, and spoke in favor.

Adopted by the necessary two-thirds.

**SCR 13**, accepting the factfinder's report and recommendation relative to contract negotiations between the State Employees Association and the state of New Hampshire.

Reps. Gross and Ward spoke against and yielded to questions.

Reps. Lougee, Grodin and Warburton spoke against.

Rep. Chambers spoke in favor.

Roll call request sufficiently seconded.

The question being the adoption of the resolution.

Reps. Salatiello, Robert Johnson and Schotanus declared that a conflict of interest existed and they did not participate.

**YEAS 95**

**NAYS 235**

**YEAS 95  
BELKNAP**

None

**CARROLL**

Dodge, A. Gibb, Jr.

**CHESHIRE**

Burnham, Daniel M.  
DePecol, Benjamin J.  
Kingsbury, H. Thayer

Champagne, Richard L.  
Doucette, Richard F.  
Pratt, Irene A.

Clark, Eugene W.  
Foster, Katherine D.

**COOS**

Coulombe, Henry W.  
Mayhew, Josephine  
Theriault, Romeo J.

Hawkinson, Marie C.  
Nelson, Harold D.

Kilbride, Dennis J.  
Oliver, Terry D.

**GRAFTON**

Chambers, Mary P.  
Nordgren, Sharon L.

Copenhaver, Marion L.

LaMott, Paul I.

**HILLSBOROUGH**

Ackerman, Philip M.  
Baldizar, Barbara J.  
Chasse, Richard D.  
Daigle, Robert A.  
Ferguson, Charles  
Haettenschwiller, Alphonse  
Janas, Gregory  
King, Frank P.  
Laughlin, J. Francis  
Murphy, Robert E.  
Reidy, Frank J.  
White, John M.

Asselin, Robert P.  
Baroody, Benjamin C.  
Clemons, Jane A.  
Drabinowicz, A. Theresa  
Green, Scott E.  
Hall, Betty B.  
Johnson, Lionel W.  
L'Heureux, Robert J.  
Leclerc, Charles J.  
Nardi, Theodora P.  
Soucy, Donna M.

Baker, George H., Sr.  
Bourque, Ann J.  
Cote, David E.  
Dwyer, Patricia R.  
Gureckis, Adam C., Sr.  
Healy, Daniel J.  
Jordan, Mary H.  
Larochelle, Roger B.  
Messier, Irene M.  
O'Rourke, Joanne A.  
Soucy, Richard A.

**MERRIMACK**

Braiterman, Thea  
Fillion, Paul R.  
Johnson, C. William  
Molner, Mary E.  
Trombly, Rick A.

Daneault, Gabriel J.  
Gilbreth, Robert M.  
Johnson, Joyce M.  
Soldati, Jennifer G.  
Wallner, Mary Jane

Dunn, Miriam D.  
Hager, Elizabeth S.  
Letourneau, George E.  
Teague, Bert  
Yeaton, Charles B.

**ROCKINGHAM**

Bell, Juanita L.  
Griebsch, Linda  
McGovern, Cynthia A.  
Schanda, Joseph, Sr.  
Vaughn, Charles L.

Clark, Martha Fuller  
Kane, Cecelia D.  
Melnick, Roy E.  
Syracusa, Anthony

Gage, Beverly A.  
MacDonald, Joseph A.  
Pantelakos, Laura C.  
Terninko, Margaret B.

**STRAFFORD**

Gilmore, Gary R.  
McCann, William H., Jr.  
O'Brien, John  
Wheeler, Katherine W.

Hashem, Elaine M.  
Merrill, Amanda A.  
Spencer, Leo J.

Kincaid, William K.  
Nehring, William H.  
Sullivan, Henry P.

**SULLIVAN**

Burling, Peter Hoe

Lindblade, Eric N.

Stamatakis, Carol M.

**NAYS 235****BELKNAP**

Accornero, Harry  
Campbell, Richard H., Jr.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Shibley, Arnold P.  
Ziegra, Alice S.

Bartlett, Gordon E.  
Golden, Paul A.  
Johnson, Carl R.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Cain, Thomas G.  
Hawkins, Robert S.  
Joscelyn, William W.  
Rosen, Ralph J.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Foster, Robert W.  
Wiggin, Allen R.

Beach, Mildred A.  
Jean, Robert R.  
Wiggin, Gordon E.

Bradley, Jeb E.  
Saunders, Howard N.

**CHESHIRE**

Cole, Kenneth A.  
Feuer, Joseph N.  
Hunt, John B.  
Laurent, John J.  
Pearson, Gertrude B.

Cole, Stacey W.  
Grodin, Richard A.  
Kennison, Wayne A.  
Metzger, Katherine H.  
Sawyer, Alfred P.

Crutchley, Donald O.  
Hogan, James B.  
LaMar, David M.  
Mohr, Frederick C., Jr.

**COOS**

Brungot, Catherine V.  
Horton, Lynn C.  
Pratt, Leighton C.

Burns, Harold W.  
Marsh, Beaton

Guay, Lawrence J.  
Merrill, Gerald P.

**GRAFTON**

Adams, Carl S.  
Brown, Patricia B.  
Driscoll, William J.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.

Bean, Pamela B.  
Christy, C. Dana  
Hill, Richard L.  
Markley, J. Keith  
Scanlan, David M.  
Trelfa, Richard T.

Brown, Channing T.  
Dow, David  
Larson, Nils H., Jr.  
McIlwaine, Deborah P.  
Shackett, Ralph E.  
Ward, Kathleen W.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Arnold, Barbara E.  
Calawa, Leon, Jr.  
Crotty, Edward J.  
Desrosiers, William J.  
Donovan, Francis X.  
Dyer, Merton S.  
Fenton, James J.  
Ford, Nancy M.  
Goulet, Maurice E.  
Healy, Walter F.  
Jasper, Shawn N.  
Kelley, Robert N.  
Lawrence, Eva M.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Mercer, Robert S.  
Packard, Bonnie B.  
Peters, Stanley W.  
Riley, Frances L.  
Rothhaus, Finlay C.  
Smith, Leonard A.  
Tate, Joan C.  
Vanderlosk, Stanley R.  
Wright, George W.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Daniels, Gary L.  
Dodge, Emma M.  
Drolet, Paul L.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Gage, Ruth E.  
Greenglass, Alan B.  
Holden, Carol H.  
Jean, Romeo W.  
Kurk, Neal M.  
Lawrence, Norman B.  
Lozeau, Donnalee M.  
McDowell, James E.  
Moore, Elizabeth A.  
Paquette, Rodolphe G.  
Record, Alice B.  
Robinson, Ellen-Ann  
Sallada, Roland A.  
Stiles, Walter A.  
Turgeon, Roland M.  
Wheeler, David K.

Andrews, Frederick B.  
Buckley, Raymond  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Emerton, Lawrence A.  
Fields, Dennis H.  
Gagnon, Eugene L.  
Hanselman, Gregory L.  
Hultgren, David D.  
Kelley, Dana F.  
Lachut, Ervin R.  
Lefebvre, Roland J.  
Mason, Howard F.  
McNerney, Daniel P.  
Ouellette, Robert O.  
Pepino, Leo P.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.  
Tarpley-Bamberger, Nancy L.  
Upton, Barbara A.  
Wheeler, Robert L.

**MERRIMACK**

Apple, Lowell D.  
Boucher, Laurent J.  
Chandler, John P.  
Gross, Caroline L.

Asplund, Bronwyn L.  
Carter, Susan D.  
Fair, Patricia A.  
Hall, Douglas E.

Barberia, Richard A.  
Chandler, Earle W.  
Feuerstein, Martin  
Hayes, Robert C.

Holmes, Mary C.  
 Lewis, Mary Ann  
 Nichols, Avis B.  
 Weeks, John F., Jr.

Jacobson, Alf E.  
 Lockwood, Robert A.  
 Stapleton, Henry F.

Kidder, William F.  
 Millard, Elizabeth S.  
 Stio, Peter M.

### ROCKINGHAM

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Connell, David R.  
 DiPietro, Carmela M.  
 Dube, LeRoy S.  
 Flanders, David A.  
 Ford, Bert H.  
 Katsakiores, George N.  
 Klemm, Arthur P., Jr.  
 Malcolm, Kenneth W.  
 Packard, Sherman A.  
 Roulston, Donald L.  
 Seward, Russell G.  
 Sytek, John J.  
 Warburton, Calvin  
 Weyler, Kenneth L.

Benton, Richardson D.  
 Christie, Andrew, Jr.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Flanders, Harry E.  
 Hoelzel, Kathleen M.  
 Katsakiores, Phyllis  
 Lovejoy, Virginia K.  
 McCain, William F.  
 Raynowska, Bernard J.  
 Rubin, George R.  
 Smith, Arthur W.  
 Thayer, Leroy C.  
 Welch, David A.  
 Woods, Deborah L.

Boucher, William P.  
 Coffey, John J.  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Flanagan, Natalie S.  
 Flanders, John W., Sr.  
 Hutchinson, Karen K.  
 Klemarczyk, Thaddeus E.  
 MacKinnon, Nancy W.  
 McCarthy, John J., Jr.  
 Rosencrantz, James R.  
 Senter, Merilyn P.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Wells, Henry E.

### STRAFFORD

Bickford, Drucilla  
 Douglass, Clyde J.  
 Frechette, Roland A.  
 Kinney, Paula J.  
 Pageotte, Donald P.  
 Torr, Ann M.  
 Vincent, Francis C.

Brown, Julie M.  
 Flynn, Edward J.  
 Jankowski, Peter M.  
 Knowles, William V.  
 Parks, Joe B.  
 Torr, Ralph W.  
 Wall, Janet G.

Corte, Arthur B.  
 Foss, Patricia H.  
 Keans, Sandra B.  
 Martling, W. Kent  
 Pelley, Janet R.  
 Tsiros, William  
 Young, John B.

### SULLIVAN

Allison, David C.  
 Flint, Gordon B.  
 Peyron, Fredrik  
 and the resolution failed.

Behrens, Thomas A.  
 Krueger, Richard H.  
 Porter, Robert H.

Domini, Irene C.  
 Middleton, John A.  
 Rodeschin, Beverly T.

### SUSPENSION OF RULES

Rep. Gross moved that the rules be so far suspended as to permit consideration at the present time of the new Committee of Conference report on **HB 1399**, changing the name of the board of examiners of psychologists to the board of examiners of psychology and mental health practice, expanding such board, and certifying mental health counselors, and spoke in favor.

On a division vote, 217 members having voted in the affirmative and 65 in the negative, the motion was adopted by the necessary two-thirds.

### NEW COMMITTEE OF CONFERENCE REPORT ON HB 1399

**HB 1399**, changing the name of the board of examiners of psychologists to the board of examiners of psychology and mental health practice expanding such board, and certifying mental health counselors. (Report printed SJ 22, 5/7/92)

Rep. Robinson spoke in favor and yielded to questions.



Rep. Ward spoke in favor.  
Report adopted.

### RECONSIDERATION

Having voted with the prevailing side, Rep. Gross moved that the House reconsider its action whereby it discharged the Committee of Conference and requested a new Committee of Conference on **HB 1025-A**, relative to budget adjustments for fiscal years 1992 and 1993, and spoke in favor. (Clerk's Note: The motion prepared by the Clerk was in error. The action reconsidered should have been the May 6 vote to accede to the request of the Senate for a new Committee of Conference.)

Reconsideration prevailed.

### MOTION

Rep. Gross moved that the House discharge the Committee of Conference and request a new Committee of Conference on **HB 1025**, relative to budget adjustments for fiscal years 1992 and 1993, spoke in against and yielded to questions. (Clerk's Note: The motion prepared by the Clerk was in error. The action reconsidered should have been the May 6 vote to accede to the request of the Senate for a new Committee of Conference. In any event, the result and intent of the House was to return **HB 1025-A** to the status of having adopted the Conference report.)

The motion failed.

### ENROLLED BILLS REPORT

**HB 1164**, relative to seaplanes operating on bodies of water in New Hampshire.

**HB 1226**, to protect the department of transportation against liability in the construction and maintenance of highways and highway bridges.

**HB 1227**, decreasing the bonding authorized relative to the Manchester access ramp project and repealing a provision relating to improvements on Gosling Road.

**SB 348**, establishing a committee to study the present and future needs of the correctional system.

**SB 436**, relative to the property tax exemption for the blind.

**SJR 1**, requiring the department of education to develop computer education guidelines for public schools.

Rep. Dunn, for the Committee

Rep. Trombly requested a quorum count.

The Speaker declared a quorum present.

### UNANIMOUS CONSENT

Rep. Stiles addressed the House by Unanimous Consent.

### FAREWELL TO THE HOUSE

Its been lots of fun, to say the least, seven years in this Great Hall! Parting is never an easy thing but eventually it comes to all.

For he one who now before you stands its an experience he'll never forget. Wonderful people from all walks of life dedicated, hard workers, you bet!

At times it's been hard to comprehend how some legislation ever go to the floor, yet day after day as the years went by came even more and more!

Now it's easy to say what a waste of time - and lots of it truly was - as some people droned on and on fully convinced of their legislative cause.

But we're all different, to say the least, and its very good that we are. Some are content to just sit and listen while others attempt to star.

This, I'm sure, has been the case for well over 200 years and chances are it will continue on as future legislators shift their gears.

This place is famous - world renown and may it always be! It's the capitol of the greatest state, I'm sure we all agree.

The United States came about over 200 years ago. It was New Hampshire's Constitutional ratification, state number nine, that made it so.

So now, in closing, what a privilege to serve in a place unique on earth. Farewell to you, Ship of State, I've really enjoyed this berth.

Rep. McDowell addressed the House by Unanimous Consent.

In recognition of Armed Forces Day which is coming soon. I would like to read the following poem:

### **SOLDIER**

I was that which others did not want to be. I went where others feared to go, and did what others failed to do.

I asked nothing from those who gave nothing, and reluctantly accepted the thought of eternal loneliness...should I fail.

I have seen the fact of terror; felt the stinging cold of fear; and enjoyed the sweet taste of a moment's love.

I have cried, pained, and hoped...but most of all, I have lived times, others would say were best forgotten.

At least someday I will be able to say that I was proud of what I was...a soldier.

Rep. Betty Hall addressed the House by Unanimous Consent.

I appreciate the kind words which were said yesterday about my concerns about rules. I compliment the leadership and the Clerk, especially the Clerk, for the improvements in the Committee of Conference reporting and evaluation. What we have had, this time, in our seat pockets in the form of those booklets and the blurbs have been extraordinary. I've been told over a number of sessions that it couldn't be done. But they did it! I compliment them. Now if I can get up here and pick up the collection of reports before the day I have to look at them, I can study them adequately. Then we are really in a strong position to deal with these Committee of Conference reports in a reasonable and responsible manner.

A few years ago, I had a conversation about rules with Doug Scamman. He commented that a good Speaker was more important than the wording of rules. I agree completely. A commitment to carry out the spirit of the rules and apply them fairly is the most important thing.

My response to Doug was that if we had a perfect Speaker we wouldn't need rules and if we had a scoundrel for a Speaker no rules would do us any good. But since we're all not perfect, not the Speakers that we've had nor the House members that we've had, we do need rules. A commitment to rules is a very important aspect of the work of the House. I think we can continually work to make them better and more productive. But I sincerely believe that this session has shown a greater commitment to fairness and to an effort to make it possible for us to do our job responsibly as well as the leadership doing its job responsibly. I commend them for what they've done.

Reps. Theriault, Douglas Hall and Scott Green addressed the House by Unanimous Consent.

Rep. William McCain addressed the House by Unanimous Consent.

I didn't decide to quit. I've got a little problem and it's not the County Commissioners, I love those people, even if they don't like me too well sometimes. My health has not been good for about a year and I have had to make some changes in my residence and I have been honest, open and up front with everybody about it.

It comes to the time when you have to decide that it is time to move on. The day is appropriate because HB 1399, which was one of my bills, passed today, finally. That is the first bill I chaired as a sub-committee chairman under Rep. Kay Ward, eight years ago. I caught hell for passing it then because I didn't do it every well. I found out a few things and I have been working on it. I won't say that I haven't been beaten on this floor because one of the worst shellackings I ever took was SB 170 which was another version of this thing that I brought in and Miss Sara Townsend cleaned my clock beautifully for me. Today you passed the bill that I believe so dearly in to get some of the quacks off the street and get the people who do such a great job with our people and their patients. You've got them licensed or certified and I thank you for that. It's appropriate that when you start with something and it finally is done that you call an end to it.

When I walked in here eight years, I stood in the back and I was in awe of these pictures. Unbelievable, a corporate executive who did this as kind of a challenge, "Why don't you run for this, Bill; we would like you to." I still stand here in awe, but not of these pictures, of you my colleagues. I've had a rough year and I've had every one of you that I know behind me. I thank you. I will not be returning. If I ever do, it will be here because this is where my heart is. Thank you.

Without objection, the Speaker ordered the above remarks printed in the Journal.

### ENROLLED BILL AMENDMENTS

**SB 370**, relative to health insurance coverage for scalp hair prostheses.

6221L

#### Amendment

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Contingency; Renumbering. If SB 363 of the 1992 legislative session becomes law:

I. RSA 415:18-c as inserted by section 1 of this act shall be renumbered to RSA 415:18-d.

II. RSA 419:5-c as inserted by section 2 of this act shall be renumbered to RSA 419:5-d.

III. RSA 420:5-d as inserted by section 3 of this act shall be renumbered to RSA 420:5-e.

IV. RSA 420-A:7-e as inserted by section 4 of this act shall be renumbered to RSA 420-A:7-f.

V. RSA 420-B:8-e as inserted by section 5 of this act shall be renumbered to RSA 420-B:8-f.

**SB 437-FN**, relative to the New Hampshire Dental Service Corporation.

6218L

#### Amendment

Amend section 1 of the bill by replacing lines 2 and 3 with the following: inserting after chapter 420-E the following new chapter:

**CHAPTER 420-F**

Amend RSA 420-E:1-18 as inserted by section 1 of the bill by renumbering RSA 420-E:1-18 to read as RSA 420-F:1-18.

Amend RSA 420-F:10 as inserted by section 1 of the bill by replacing line 2 with the following:

rates as described in RSA 420-F:6, designed to permit it to accumulate and

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today it be to meet at the call of the Chair on June 3, 1992.

Adopted.

**UNANIMOUS CONSENT**

Rep. Copenhaver addressed the House by Unanimous Consent.

**OPINION OF THE JUSTICES on HB 1301**

(Materials in Solid Waste Stream)

May 6, 1992

The following Resolution No. 60, requesting an opinion of the justices, by the house of representatives was adopted on March 5, 1990, and filed with the supreme court on March 6, 1992:

Whereas, there is pending in the House, House Bill 1301-FN, An Act setting priorities for the disposal of certain components of the solid waste stream; and

"Whereas, an amendment has been proposed to HB 1301-FN; and

"Whereas, doubt has arisen as to the constitutionality of the provisions of said bill; and

"Whereas, it is important that the constitutionality of said provisions should be settled in advance of the enactment of HB 1301-FN; now, therefore, be it

"Resolved by the House of Representatives:"

"That the Justices of the Supreme Court be respectfully requested to give their opinion on the following question of law:

1. Would the prohibition on the disposal, composting or incineration or on contracting for the disposal, composting or incineration of certain recyclable materials beginning January 1, 1994, imposed by RSA 149-M:22 as amended by the proposed amendment, constitute an illegally mandated state program or responsibility under Part I, Article 28-a of the New Hampshire Constitution?

"That the clerk of the house of representative transmit copies of this resolution and HB 1301-FN, and the proposed amendment to the justices of the New Hampshire Supreme Court."

The following response is respectfully returned.

To the Honorable House of Representatives:

The undersigned justices of the supreme court now submit the following reply to your question of March 5, 1990. Following our receipt of your resolution on March 6, 1992, we invited interested parties to file memoranda with the court until March 27, 1992. The date was later extended to April 14, 1992.

Part I, article 28-a of the New Hampshire Constitution, which was ratified by the required two-thirds majority of the citizens of the State on November 6, 1984, provides that



"The state shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are approved for funding by a vote of the local legislative body of the political subdivision."

We have, on a prior occasion, examined this provision.

In *N.H. Munic. Trust Workers' Comp. Fund v. Flynn*, Comm'r, 133 N.H. 17, 573 A.2d 439 (1991), we stated that "the amendment was designed to prohibit the State from placing additional obligations on local government without either obtaining their consent of providing the necessary funding." *Id.* at 22, 573 A.2d at 443. We held in *Flynn* that "the constitutionality of a particular State mandate under article 28-a does not hinge solely on whether or not it may be categorized as a new, expanded or modified program, but also on whether or not the mandate imposes upon local government an additional fiscal obligation." *Id.* at 23, 573 A.2d at 443. The primary consideration is the net effect of the program. *Id.* Invoking the constitutional prohibition requires both a mandate of responsibility to the political subdivision and a requirement of additional local political subdivision expenditures by virtue of the mandate.

In order to determine whether House Bill 1301-FN constitutes a cost-creating mandate in contravention of part I, article 18-a, we must examine the language of the proposed statute in the context of existing RSA chapter 149-M. We will interpret a statute, when possible, in a manner consistent with its plain meaning. *Petition of Jane Doe*, 132 N.H. 270, 276-277, 564 A.2d 433, 438 (1989). Our examination of the particular statute at issue is made in relation to the overall statutory scheme. *Appeal of Richards*, 134 N.H. 148, 161, 590 A.2d 586, 594, cert. denied sub nom. *Richards v. New Hampshire*, 112S. Ct. 275 (1991).

RSA chapter 149-M, titled "Solid Waste Management" (the Chapter) is an expansive solid waste management statute. It calls upon the State, through the division of waste management, to conduct comprehensive solid waste planning and to regulate and enforce the State's solid waste laws. RSA 149-M:2, :3. It also calls upon the towns to provide, or to assure access to, solid waste facilities. RSA 149-M:13, I (Supp. 1991). The Chapter includes various substantive provisions and delegates rule-making authority to the division of waste management. RSA 149-M:8, IV. It includes a definitional framework for interpretation of the Chapter. RSA 149-M:1. The purpose of House Bill 1301-FN is to effect a change in the substantive provisions of the Chapter that will "strive to manage solid waste in a manner that makes optimal use of each component of the solid waste stream." Proposed RSA 149-M:1, II-a. To that end, the proposed bill would repeal RSA 149-M:22 and substitute:

"Consistent with RSA 149-M:1-a, [and proposed section] II-a, the department [of environmental services] shall restrict or prohibit the disposal of certain components of the solid waste stream when it determines that:

(a) Disposal of the material presents a potential adverse impact to public health, safety or the environment;

(b) A restriction or prohibition will result in the extension of the useful life or capacity of a facility or class of facilities; or

(c) A preferred and feasible alternative exists for handling a given component consistent with the hierarchy set forth in RSA 149-M:1-a."

The repealed section, entitled "Refuse Recycling or Reduction", sought to reduce the solid waste stream by mandating target reductions, providing incentives for recy-

clinging and providing disincentives for some forms of disposal. RSA 149-M:22. An amendment in 1990 prohibited the disposal of wet-cell batteries at any solid waste facility. RSA 149-M:22, V (Supp. 1991). In addition to calling upon the department of environmental services to manage the solid waste stream, House Bill 1301-FN provides the department with specific authority to restrict or prohibit disposal of certain solid waste stream components on satisfaction of certain determined conditions. The proposed replacement section sets forth the following statutory prohibitions:

"No person shall dispose of, compost or incinerate or contract for the disposal or incineration of the following materials except as indicated below. No landfill, composting facility or incinerator shall accept the restricted materials except to permit the layover of such materials on their processing course . . . . No person shall dispose of, compost or incinerate:

- (a) Aluminum containers after January 1, 1994.
- (b) Metal or glass containers after January 1, 1994.
- (c) Recyclable plastics after January 1, 1995.
- (d) Recyclable paper after January 1, 1996."

Proposed RSA 149-M:22, II. It is this proviso that forms the basis for your opinion request.

We find that House Bill 1301-FN does not violate part I, article 18-a of our State Constitution. It is not a State "mandate" requiring the recycling of certain goods, imposing responsibilities on, and necessitating expenditures by, political subdivisions. Rather, it prohibits disposal of certain goods by the solid waste generator, and prohibits acceptance of those goods by a landfill, composting facility or incinerator for disposal.

Every town in this State is currently required to "either provide, or assure access to, an approved solid waste facility for its residents." RSA 149-M:13, I (Supp 1991). "Solid waste" is defined as

"any matter consisting of putrescible material; refuse; or residue from an air pollution control facility; and other discarded or abandoned material. It includes solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities."

RSA 149-M:1, XIX (supp. 1991). A "[f]acility means a location or system for: [r]e-source recovery; [r]ecycling[:]; [or] [c]ollection, source separation, storage, transportation, processing, treatment, or disposal of solid waste." RSA 149-M:1, VIII. We discern that the definitional description of "facility" operations was intended by the legislature to be disjunctive and, therefore, resource recovery and recycling is not part of the "solid waste facility" mandate in RSA 149-M:13, I (Supp. 1991) either in its present or in its pre-article 28-a form. We understand RSA 149-M:13, I (Supp 1991) to require each town to provide or assure access to a facility where its residents may dispose of solid waste. It does not require that a town provide its residents with the means to recycle.

House Bill 1301-FN seeks to refine what is meant by "solid waste". It restricts the disposal, compost, or incineration of certain materials; namely, aluminum, metal, and glass containers, recyclable plastics, and recyclable paper. Proposed RSA 149-M:22, II. Its effect is to prohibit the disposal of these enumerated materials at solid waste facilities; it defines by exclusion those goods that may be disposed of in the solid waste stream.

There is no requirement in RSA chapter 149-M that a town operate, or even assure access to, a recycling facility. House Bill 1301-FN would seem to provide municipalities with the option of either operating a recycling facility or of allowing its residents to make their own provisions for disposal of those materials outside of the solid waste stream. Although the practical effect in most towns and cities may be the establishment or continuation of resource recovery or recycling operations, this effect is not mandated by the proposed amendment. Political subdivisions remain free to allow any costs resulting from the proposed restrictions to be borne directly by their residents. The local legislative body will have the last word on both the program and the funding.

House Bill 1301-FN does not constitute an illegally mandated State program or responsibility in violation of part I, article 28-a of New Hampshire Constitution. Accordingly, the question of the House of Representatives is answered in the negative.

David A. Brock, William F. Batchelder, William R. Johnson, W. Stephen Thayer, III and Sherman D. Horton, Jr.

John P. Arnold, attorney general (George Dana Bisbee, deputy attorney general, on the memorandum), filed a memorandum in support of a negative answer to the question presented.

H. Bernard Waugh, Jr., of Concord, filed a memorandum on behalf of the New Hampshire Municipal Association, in support of a negative answer to the question presented.

Representative Amanda A. Merrill, of Strafford, filed a memorandum in support of a negative answer to the question presented.

Cook & Molan P.A., of Concord, filed a memorandum on behalf of Waste Management of New Hampshire, Inc. and Consumat Sanco, Inc., in support of an affirmative answer to the question presented.

Representative Elizabeth S. Millard, of Merrimack, filed a memorandum in support of an affirmative answer to the question presented.

David Kibbey, of Newport, filed a memorandum in support of an affirmative answer to the question presented.

Rep. Gross moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 5:00 p.m.

## RECESS

### (Rep. William McCain in the Chair)

Rep. Michael Hill moved that the House adopt all enrolled bills amendments currently in the possession of the Clerk.

Adopted.

## ENROLLED BILLS AMENDMENTS

**HB 61-FN**, repealing the prospective repeal of the victims' assistance fund and making technical corrections in the distribution of penalty assessment funds.

6223L

### Amendment

Amend section 5 of the bill by replacing line 2 with the following:

Victims' Assistance Fund. Amend 1989, 408:124 by inserting after paragraph

Amend paragraph II of section 6 of the bill by replacing line 1 with the following:

II. 1989, 408:82, I, relative to the repeal of the

Amend section 7 of the bill by replacing lines 1 and 2 with the following:

7 Effective Date Changed for 1992, 31. Amend 1992, 31:2 to read as follows:

Amend paragraph I of section 8 of the bill by replacing line 2 with the following:

12:02 a.m.

**HB 264-FN-A**, placing hazardous waste transporter permit application fees in the hazardous waste cleanup fund, requiring notification of associated costs of converting fuel heating systems, restricting the filling of liquefied petroleum gas containers, relative to the state advisory board of fire control, and substituting the New Hampshire Association of Fire Chiefs for the state advisory board office control for purposes of nominating the state fire marshal.

6232L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

placing hazardous waste transporter permit application fees in the hazardous waste cleanup fund, requiring notification of associated costs of converting fuel heating systems, restricting the filling of liquefied petroleum gas containers and relative to the state advisory board of fire control.

**HB 321-FN**, relative to small employer insurance and creating the position of life, accident and health actuary within the insurance department.

6217L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

relative to small employer insurance and creating the position of life, accident and health actuary within the insurance department and making an appropriation therefor.

Amend section 2 of the bill by replacing lines 2 and 3 with the following:  
chapter 420-E the following new chapter:

#### **CHAPTER 420-F**

Amend RSA 420-E:1-10 as inserted by section 2 of the bill by renumbering RSA 420-E:1-10 to read as RSA 420-F:1-10.

Amend RSA 420-F:8 as inserted by section 2 of the bill by replacing line 2 with the following:

all or any part of RSA 420-F:3 as to the premium rates applicable to one or

Amend the bill by replacing section 7 with the following:

7 Renumbering; Contingency. If SB 437-FN of the 1992 legislative session becomes law, RSA 420-F as inserted by section 2 of this act shall be renumbered to RSA 420-G and the reference to RSA 420-F:3 in line 2 of RSA 420-F:8 as inserted by section 2 of this act shall be renumbered as RSA 420-G:3.

8 Effective Date.

I. Sections 3-7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 1993.

**HB 411**, relative to discrimination in the issuance of health insurance, access to group plans, and health insurance during adoption proceedings.



6222L

**Amendment**

Amend RSA 420-B:12, VI as inserted by section 3 of the bill by replacing line 1 with the following:

VII. An insurer issuing policies of group insurance shall allocate

Amend section 3 of the bill by replacing lines 2-4 with the following:

Organizations. Amend RSA 420-B:12 by inserting after paragraph V the following new paragraphs:

VI. No health maintenance organization shall, when issuing or

Amend RSA 415:18, VII(g)(4) as inserted by section 6 of the bill by replacing line 14 with the following:

**415:18, VII(g)(1) would have expired had the plan not been terminated, or until**

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11:

10 Contingency; Renumbering. If either SB 363 or SB 370 becomes law, RSA 420-A:7-e as inserted by section 8 of this act shall be renumbered to RSA 420-A:7-f, and RSA 420-B:8-e as inserted by section 9 of this act shall be renumbered to RSA 420-B:8-f. If both SB 363 and SB 370 become law, RSA 420-A:7-e as inserted by section 8 of this act shall be renumbered to RSA 420-A:7-g, and RSA 420-B:8-e as inserted by section 9 of this act shall be renumbered to RSA 420-B:8-g.

**HB 497-FN-A**, relative to an equipment challenge grant program for vocational and technical education programs.

6229L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to an equipment challenge grant program for vocational and technical education programs and making an appropriation therefor.

**HB 527-FN-A**, licensing speech-language pathologists and making and appropriation therefor.

6246L

**Amendment**

Amend RSA 326-F:17 as inserted by section 1 of the bill by replacing line 12 with the following:

hearing under this section only by agreeing to a further suspension

Amend RSA 326-F:18 as inserted by section 1 of the bill by replacing line 6 with the following:

chapter, the person shall be guilty of a misdemeanor.

Amend section 2 of the bill by replacing lines 9-11 with the following:

speech-language pathologists shall serve terms of 2 years; and one initial appointee who is a practicing speech language pathologist shall serve a term of 3 years. Initial appointment terms shall not be considered full

**HB 601-FN-A**, establishing a public water access advisory board and a statewide public boat access program and continually appropriating a special fund for the purposes of the program and creating a new class of highways for access to public waters.

6247L

**Amendment**

Amend RSA 231:93 as inserted by section 14 of the bill by replacing it with the following:

231:93 When Municipalities Not Liable. Municipalities shall not be deemed to have any duty of care whatsoever with respect to the construction, maintenance or repair of class I, III, III-a or VI highways, or state maintained portions of class II highways[, or highways to public waters laid out by a commission appointed by the governor and council]. Upon any highway or other way with respect to which a municipality is found to have a duty of care of any kind, its liability shall be limited as set forth in this subdivision.

Amend the bill by replacing all after section 20 with the following:

21 Term Added. Amend RSA 236:118 to read as follows:

236:118 Location Requirements. At the time and place set for hearing, the local governing body shall hear the applicant and all other persons wishing to be heard on the application for certificate of approval for the location of the junk yard or automotive recycling yard. In passing upon the application, after proof of legal ownership or right to the use of the property by the applicant for the license period, it shall take into account the nature and development of surrounding property, such as the proximity of churches, schools, hospitals, public buildings or other places of public gatherings; and whether or not the use of the proposed location can be reasonably prevented from affecting the public health, safety, or morals by reason of offensive or unhealthy odors or smoke, or of other causes. In no case may a license be granted for a new junk yard or automotive recycling yard located less than 660 feet from the right-of-way lines of class I, class II, class III, or class III-a highways or located less than 300 feet from the right-of-way lines of class IV, class V and class VI highways.

22 Nullification. 1992, 88:14 which amends RSA 236:118 shall not take effect.

23 Contingency; Renumbering. If any other act of the 1992 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to renumber RSA 6:12, I(vv) as inserted by section 3 of this act and to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1992 session laws.

24 Effective Date.

I. Sections 1-7 and 21 of this act shall take effect January 1, 1993.

II. The remainder of this act shall take effect July 1, 1992.

**HB 646-FN**, relative to the disposal of certain solid waste products and leaf and yard waste.

6237L

**Amendment**

Amend RSA 149-M:22, VI as inserted by section 3 of the bill by replacing line 2 with the following:

**in a solid waste landfill or incinerator including any waste to**

**HB 675-FN**, relative to DWI penalties while operating a motor vehicle, OHRV, or boat, or while transporting a child, and establishing that fines for summonses for motor vehicle violations for which a plea may be made by mail be paid to the division of motor vehicles and making an appropriation therefor.

6253L

### Amendment

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Reporting Convictions; License Revocation Extended. Amend RSA 265:82-b by inserting after paragraph VI the following new paragraphs:

VII. Any conviction under RSA 215-A:11, RSA 265:82 or RSA 265:82-a shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

VIII. Any person convicted of a violation of RSA 215-A:11, RSA 265:82 or RSA 265:82-a and who at the time of driving a vehicle or off highway recreational vehicle was transporting a person under the age of 16 shall have his driver's license or privilege to drive revoked for the maximum time period under the section violated and shall be required to attend a 7-day residential impaired driver intervention program.

IX. If a person has been convicted of any first offense violation of RSA 215-A:11, RSA 265:82, or RSA 265:82-a, any subsequent conviction under any of these sections shall constitute a second offense for the purposes of imposing penalties for second offense violations under RSA 265:82-b.

Amend RSA 215-A:11-h as inserted by section 19 of the bill by replacing line 3 with the following:  
chapter.

Amend RSA 215-A:11-h as inserted by section 19 of the bill by replacing line 3 with the following:  
chapter.

Amend the bill by replacing all after section 27 with the following:

28 Reference to Motor Vehicle Violations Deleted. Amend the introductory paragraph and paragraphs I and II of RSA 502-A:19-b to read as follows:

502-A:19-b Pleas by Mail; Procedure. In any case in which a defendant may, pursuant to RSA 206:34[, RSA 262:44,] or RSA 270:11-a, enter a plea by mail in a district or municipal court, the following procedure shall be followed:

I. Such defendant shall receive, in addition to his summons, a uniform fine schedule entitled "Notice of Fine, New Hampshire District and Municipal Courts" which shall contain the [usual fines for violations of the provisions of title XXI on vehicles, excluding violations of RSA 265:79, 265:82 or any offense which is a misdemeanor or felony; the] usual fines for violations of the provisions of RSA 270, 270-A, and 270-E, excluding any offense which is a misdemeanor or felony; and the usual fines for violations of the provisions of title XVIII on fish and game laws, excluding any offense which is a misdemeanor or felony. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except, if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally must do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with

payment of the fine plus penalty assessment to the clerk of the court prior to the arraignment date or appear in court on the date of arraignment. Defendants in violation of the provisions of title XVIII shall be subject to the provisions of RSA 207:18 and RSA 214:19.

II.(a) Whenever a defendant does not enter a plea by mail prior to the arraignment day or does not appear personally or by counsel on or before that date or move for a continuance, the defendant shall be defaulted and the court shall determine what the fine would be upon a plea of guilty or nolo contendere and shall impose an administrative processing fee in addition to the fine and penalty assessment[, and in the case of violations of title XXI, the defendant's driving privileges shall be suspended as provided in RSA 263:56-a]. The provisions of RSA 207:18 and RSA 214:19, as applicable, shall apply to a defendant in violation of the provisions of title XVIII.

(b) Whenever a defendant otherwise fails to appear for a scheduled court appearance in connection with a summons for any violation level offense set forth in [titles] title XVIII[, XXI] or XXII, the court shall proceed to hear the state's evidence, by offer of proof or otherwise, and enter a finding in accordance therewith. In the event a finding of guilty is made, the court shall set the fine, and the clerk shall forthwith mail or deliver to the defendant at the defendant's last known mailing address a notice of finding and imposition of fine form approved by the administrative judge of the district court, appointed pursuant to supreme court rule. Payment of the fine in full shall be required no later than 30 days from the date of said notice. Upon the failure of any defendant to remit said payment, the procedure required by subparagraph II(a) shall be followed by the court. No finding made by the court under this section shall be set aside except for good cause shown.

(c) In defaulted cases of violations of [title XXI or] title XVIII, the court shall notify [the director of the division of motor vehicles of the defendant's default of a title XXI violation, or] the executive director of the department of fish and game of the defendant's default of a title XVIII violation, and the amounts of the fine and other penalties on a form prescribed by the [director of the division of motor vehicles or] the executive director of the department of fish and game[, as appropriate]. The amount of the administrative processing fee shall be determined by the New Hampshire supreme court in accordance with the provisions of paragraph V of this section.

29 Contingency.

I. If HB 1494-FN-L does not become law:

(a) Section 28 of this act shall not take effect; and

(b) Sections 23-26 of this act shall take effect for the courts in Rockingham county on January 1, 1993. For the courts in the remaining counties, sections 23-26 of this act shall take effect as each court is computerized in coordination with the division of motor vehicles, beginning in January, 1994 and continuing thereafter in each jurisdiction as each court is computerized.

II. If HB 1494-FN-L becomes law:

(a) Section 24 of this act shall not take effect; and

(b) For the courts in Rockingham county, sections 23 and 25-27 of this act shall take effect on January 1, 1993, and section 28 shall take effect on January 1, 1993, at 12:01 a.m. For the courts in the remaining counties, sections 23 and 25-28 of this act shall take effect as each court is computerized in coordination with the division of motor vehicles, beginning in January, 1994 and continuing thereafter in each jurisdiction as each court is computerized.



30 Effective Date.

I. Section 27 of this act shall take effect July 1, 1992.

II. Section 29 of this act shall take effect upon its passage.

III. Sections 23-26 and 28 of this act shall take effect as provided in section 29 of this act.

IV. The remainder of this act shall take effect January 1, 1993.

**HB 689-FN**, relative to implied consent and administrative motor vehicle license suspension.

6250L

#### Amendment

Amend section 2 of the bill by replacing lines 2 and 3 with the following:  
after subparagraph (q) the following new subparagraph:

(r) Administrative suspension of motor vehicle licenses pursuant

Amend the bill by replacing section 13 with the following:

13 License Restoration Fee Grace Period. Amend RSA 263:42, V to read as follows:

V. Whenever a driver's license has been suspended or revoked, or **notwithstanding RSA 263:56-a, III, whenever** the holder of a commercial driver license has been disqualified for a period of greater than 15 days, a fee of \$50 shall be paid by the licensee for the restoration of such license or commercial driver license. Under certain conditions the commissioner may waive the restoration fee for a default or suspension. The commissioner shall adopt rules, under RSA 541-A, relative to such waiver procedures.

14 Contingency. If HB 1455-FN becomes law, section 13 of this act shall take effect on January 1, 1993, and section 5 of HB 1455-FN shall not take effect. If HB 1455-FN does not take effect, section 13 of this act shall not take effect.

15 Effective Date.

I. Sections 3 and 14 of this act shall take effect 60 days after its passage.

II. Section 13 of this act shall take effect as provided in section 14 of this act.

III. The remainder of this act shall take effect January 1, 1993.

**HB 740-FN**, increasing political expenditure limitations for certain candidates, relative to the penalty for exceeding total expenditure limitations, establishing a campaign spending administrative account, and relative to reporting requirements for candidates.

6249L

#### Amendment

Amend the title of the bill by replacing it with the following:

#### AN ACT

increasing political expenditure limitations for certain candidates, relative to the penalty for exceeding total expenditure limitations, establishing a campaign spending administrative account, relative to reporting requirements for candidates, and making a supplemental appropriation to the secretary of state.

Amend the last line of section 6 of the bill by replacing it with the following: administering the election laws. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Contingency; Renumbering. If any other act of the 1992 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to renumber RSA 6:12, I(vv) as inserted by section 3 of this act and to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1992 session laws.

**HB 778-FN**, relative to the laws against discrimination.

6227L

#### **Amendment**

Amend the bill by replacing section 2 with the following:

2 Remedies Authority Expanded. Amend RSA 354-A:21, II(d) to read as follows:

(d) If, upon all the evidence at the hearing, the commission shall find that a respondent has engaged in any unlawful discriminatory practice as defined in this chapter, the commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such affirmative action, including, but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, restoration to membership in any respondent labor organization, or the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons, as in the judgment of the commission, will effectuate the purpose of this chapter and including a requirement for report of the manner of compliance. Such cease and desist orders for affirmative relief may be issued to operate prospectively. **The commission may also order compensatory damages to be paid to the complainant by the respondent and, in order to vindicate the public interest, order the respondent to pay an administrative fine. The administrative fine shall be deposited in the general fund. The amount of the administrative fine shall not exceed:**

**(1) \$10,000 if the respondent has not been adjudged to have committed any prior discriminatory practice in any administrative hearing or civil action.**

**(2) \$25,000 if the respondent has been adjudged to have committed a prior discriminatory practice in any administrative hearing or civil action and the adjudication was made no more than 5 years prior to the date of filing the current charge.**

**(3) \$50,000 if the respondent has been adjudged to have committed 2 or more discriminatory practices in any administrative hearings or civil actions and the adjudications were made during the 7-year period preceding the date of filing of the charge.**

**3 Remedies. Amend RSA 354-A:21, II(f) to read as follows:**

(f) If upon all the evidence the commission shall find that a respondent has not engaged in any such unlawful discriminatory practice, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. A copy of its order shall be delivered in all cases to the attorney general, and such other public officers as the commission deems relevant or proper. The commission shall establish rules of practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder. If the commission finds that the complaint is frivolous, unreasonable, or without foundation, then the commission, upon motion of the respondent or on its own motion, may award against the complainant the amount of costs and attorneys' fees incurred by the respondent, provided such costs and fees are reasonable.

4 Judicial Review and Enforcement. Amend RSA 354-A:22, III to read as follows:

III. Any party may move the court to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, **or in the alternative to move the court to accept such additional evidence itself**, provided he shows reasonable grounds for the failure to adduce such evidence before the commission. [The findings of the commission as to the facts shall be conclusive if supported by sufficient evidence on the record considered as a whole.] **The superior court shall have the authority to make all rulings of law, findings of fact and determinations of damages and fines, if any, notwithstanding any such rulings, findings or determinations made by the commission.** All such proceedings shall be heard and determined by the court as expeditiously as possible and shall take precedence over all other matters before it, except matters of like nature. The jurisdiction of the superior court shall be exclusive and its final order or decree shall be subject to review by the supreme court in the same manner and form and with the same effect as in appeals from a final order or decree in proceedings in equity.

5 New Paragraph; Federal Court Action. Amend RSA 354-A:22 by inserting after paragraph IV the following new paragraph:

V. If the complainant brings an action in federal court arising out of the same claims of discrimination which formed the basis of an order or decision of the commission, such order or decision shall be vacated and any appeal therefrom pending in any state court shall be dismissed.

6 Contingency. If HB 1283-FN of the 1992 legislative session becomes law, sections 2-6 of this act shall take effect January 1, 1993, at 12:01 a.m. and sections 1-5 of HB 1283-FN shall not take effect. If HB 1283-FN of the 1992 legislative session does not become law, sections 2-5 of this act shall not take effect.

7 Effective Date.

I. Sections 2-5 shall take effect as provided in section 6 of this act.

II. The remainder of this act shall take effect upon its passage.

**HB 1101-FN**, relative to certain liquor license fees and expanding certain prohibitions regarding competing interest in liquor and wine sales.

6228L

### Amendment

Amend the bill by replacing section 1 with the following:

1 Military Clubs; Special Licenses. Amend RSA 178:27, I to read as follows:

## I. On-sale licensees shall pay the following applicable fees annually:

	Supplemental Only	Beverages and Wine	Beverages and Liquor	Cocktail Lounge
Airport				\$1,200
Alpine Slide				1,200
Ballroom	\$45			1,200
Bed and Breakfast		\$480	\$840	
Bowling Facility				1,200
Catering (all)				1,200
Catering (off-site only)				840
Catering (on-site only)	18 events - 450 36 events - 750 52 events - 1,200			
<b>Club Military</b>				<b>100</b>
Club Social	18 events - 450 36 events - 750 52 events - 1,200		1,200	
Club Veterans	18 events - 450 36 events - 750 52 events - 1,200			840
College Club				1,200
Convention Center				2,400
Dining Car		480	840	
Fairs		112		
Golf Facility				1,200
Hotel			840	1,200
One Day License				100
Performing Arts				360
Race Track/Motor Vehicle				1,800
Race Track/Pari-Mutuel				3,000
Racquet Sports				1,200
Rail Cars				1,200
Restaurant		480	840	1,200
Ski Facility				1,200
<b>Special License</b>			<b>25</b>	
Vessel		480	840	1,200

**HB 1182-FN**, authorizing the division of human services to establish a system to recoup child support payments made in error and to establish a child support payment error reserve fund, clarifying confidentiality of certain information and allowing the division to close certain cases.

6242L

**Amendment**

Amend the title of the bill by replacing it with the following:



**AN ACT**

authorizing the division of human services to establish a system to recoup child support payments made in error, clarifying confidentiality of certain information, and allowing the division to close certain cases.

**HB 1255-FN**, relative to the number of big bingo games charitable organizations may conduct and increasing the one game date prize total value from \$3,500 to \$14,000.

6236L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

requiring the director of the sweepstakes commission to study the current operation of bingo games and sale of lucky 7 tickets.

**HB 1295**, relative to rate modifications for individual accident and health insurance policies.

6235L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

relative to rate modifications for individual accident and health insurance policies and relative to approval of certain motor vehicle warranty agreements and surety bonds.

**HB 1305**, permitting the carrying and selling of antique gun and sword canes.

6245L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

permitting the carrying and selling of antique gun and sword canes and prescribing penalties for the criminal use of pistol canes and sword canes.

**HB 1357**, establishing a committee to study the concept of in-home care as an alternative to institutionalized care and allowing residential care facilities to be participating institutions under the law relative to the New Hampshire higher educational and health facilities authority.

6231L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

establishing a committee to study the concept of in-home care as an alternative to institutionalized care, allowing residential care facilities to be participating institutions under the law relative to the New Hampshire higher educational and health facilities authority, and adding home health care providers to the facilities covered under the laws relative to the higher educational building corporation.

**HB 1376-FN-L**, relative to water pollution, including requiring the department of environmental services to assume 20 percent of eligible costs of the North Conway Water Precinct sewer system project, making an appropriation for cost payments, relative to aid for water pollution control for regional waste treatment facilities for Winnepesaukee river basin, establishing a grant program for water pollution, and relative to future funding of certain classified positions within the department of environmental services.

6241L

**Amendment**

Amend paragraph II of section 4 of the bill by replacing line 8 with the following: section. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend section 6 of the bill by replacing line 2 with the following: 1985, 390:3 and 1987, 131:3 and 1987, 399:18 to read as follows:

**HB 1382**, requiring all sellers of property to fully disclose information relative to private water supplies and septic and sewage disposal systems, relative to drainage pools, and exempting homeowners associations from certain registration requirement.

6248L

**Amendment**

Amend the title of the bill by replacing it with the following:

**AN ACT**

requiring all sellers of property to fully disclose information relative to private water supplies and septic and sewage disposal systems, relative to drainage pools, exempting homeowners associations from certain registration requirements, and exempting small motor mineral dredging permits from certain requirements.

**HB 1396-FN**, authorizing municipalities to incur debt in the form of bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills and to clean up certain hazardous waste sites.

6243L

**Amendment**

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5.

4 Contingency. RSA 33:6-c as inserted by section 2 of this act shall be renumbered as RSA 33:6-d, if SB 393 of the 1992 regular legislative session becomes law.

**HB 1401**, requiring the mandates task force to study the impact of the development of the prison facility in the city of Laconia.

6233L

#### Amendment

Amend the bill by replacing section 3 with the following:

3 Task Force; Deadlines Extended. Amend 1991, 389:7 to read as follows:  
389:7 Report.

I. The task force shall submit a report to the speaker of the house, the senate president, the governor, and the appropriate standing legislative committees with recommendations for repealing programs or responsibilities **under 1991, 389:5, I-III**. For the purposes of this section, the appropriate standing legislative committees shall be the committee of each house which has legislative jurisdiction over the program or responsibility. The report shall be submitted on or before [September 30, 1992. The task force shall be disbanded June 30, 1993.]

**II. The task force shall submit a report to the appropriate legislative committees with the result of its examination under 1991, 389:5, IV, including, but not limited to, recommendations for legislation. The report shall be submitted on or before June 30, 1993. The task force shall be disbanded upon issuance of this report.**

4 Contingency. If HB 150I-LOCAL becomes law, section 3 of this act shall take effect 60 days after its passage and section 2 of this act shall not take effect. If HB 150I-LOCAL does not become law, section 2 of this act shall take effect 60 days after its passage and section 3 of this act shall not take effect.

5 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.

III. Section 4 of this act shall take effect upon its passage.

**HB 1494-FN-L**, implementing the recommendations of the New Hampshire supreme court long-range planning task force regarding the judicial branch.

6230L

#### Amendment

Amend section 86 of the bill by deleting paragraph II and renumbering paragraphs III-XIV to reads as paragraphs II-XIII.

Amend the bill by inserting after section 89 the following and renumbering section 90 to read as 91:

90 Nullification. Sections 27-30 and 86, II and III of this act, which duplicate 1992, 38:1-5 (HB 1440-FN-L) shall not take effect.

**SB 314-FN-A-L**, making a supplemental appropriation for the board of tax and land appeals and increasing filing fees for appeals to the board.

6251L

#### Amendment

Amend RSA 76:16-a, I as inserted by section 2 of the bill by replacing it with the following:

I. After the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a [\$40] **\$65** filing fee, may, within 8 months after notice of such tax, and not afterwards, **unless the municipality shall have an additional 2 months to respond to the appeal as provided in RSA 76:16, II**, apply in writing to the board of

tax and land appeals which, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. "Notice of such tax" means the date the board of tax and land appeals determines to be the last date of mailing of the final tax bill by the taxing district. The person aggrieved shall state in its appeal to the board either the date of the municipality's decision on the RSA 76:16 application, or that 6 months has passed since the notice of the tax and that the municipality failed to issue a decision in accordance with RSA 76:16.

Amend section 6 of the bill by replacing it with the following:

6 Effective Date.

I. Sections 1, 3, and 4 of this act shall take effect April 1, 1992, at 12:01 a.m.

II. Section 2 of this act shall take effect April 1, 1992, at 12:02 a.m.

III. The remainder of this act shall take effect upon its passage.

**SB 319**, separating the AFDC standard of need from the AFDC payment standard, increasing the AFDC standard of need and increasing medicaid eligibility for pregnant women and children.

6244L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

increasing medicaid eligibility for pregnant women and infants.

Amend the bill by deleting sections 1-3 and renumbering sections 4-6 to read as 1-3, respectively.

**SB 321**, relative to voter registration and changes in party affiliation with town clerks.

6238L

#### **Amendment**

Amend the title of the bill by replacing it with the following:

#### **AN ACT**

relative to voter registration and changes in party affiliation with town clerks and relative to supervisors of the checklist.

**SB 428-FN**, designating segments of the Connecticut River for the rivers management and protection program, reclassifying a segment of the Contoocook River, allowing existing hydroelectric facilities to maintain operations, and requiring the establishment of procedures before water can be released from dams.

6239L

#### **Amendment**

Amend the bill by replacing section 4 with the following:

4 Notice Required; Flowage Rights Added. Amend RSA 483:6, I to read as follows:

I. Any New Hampshire organization or resident may nominate a river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. The completed nomination shall be submitted to the rivers coordinator on or before July 15 in order for it to be considered in the next legislative session. This nomination shall include, but not be limited to, an assessment of fisheries; geo-



logic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, buildings, and other man-made structures; riparian interests, **including flow-age rights known by the nominating individual or group**, and other pertinent instream and riverbank information. The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. The nominating party shall advertise the meeting in cooperation with the rivers coordinator[,] **and shall give written notice to the governing body of any municipality where segments of the river are located.** [and] The rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.

Amend the bill by deleting section 9 and renumbering the original sections 10 and 11 to read as 9 and 10, respectively.

**SB 450-FN**, relative to capital formation.

6254L

#### Amendment

Amend RSA 162-A:22 as inserted by section 3 of the bill by replacing line 3 with the following:

162-A:17, and RSA 162-I:9-b shall not exceed in the aggregate at any time

Amend section 4 of the bill by replacing lines 2-3 with the following:  
section 9-a the following new section:

162-I:9-b Additional State Guarantee.

Amend section 5 of the bill by replacing lines 1-3 with the following:

5 Signature of State Treasurer. Amend RSA 162-I:8, V to read as follows:

V. The signature of the state treasurer on [any] **an** endorsement of a state

Amend RSA 162-I:10, I(b) as inserted by section 6 of the bill by replacing it with the following:

(b) As permitted by **RSA 162-I:9, RSA 162-I:9-a, or RSA 162-I:9-b**; or

Amend RSA 162-I:16, II as inserted by section 8 of the bill by replacing line 4 with the following:

**162-I:9-b shall be informational and shall not be treated as determining**

Amend section 16 of the bill by replacing line 4 with the following:  
162-A:8, 162-A:9, 162-A:13, and 162-I:9-b. In addition, the authority

#### ENROLLED BILLS REPORT

**HB 61**, repealing the prospective repeal of the victims' assistance fund and making technical corrections in the distribution of penalty assessment funds.

**HB 264**, placing hazardous waste transporter permit application fees in the hazardous waste cleanup fund, requiring notification of associated costs of converting fuel heating systems, restricting the filling of liquefied petroleum gas containers and relative to the state advisory board of fire control.

**HB 321**, relative to small employer insurance and creating the position of life, accident and health actuary within the insurance department and making an appropriation therefor.

**HB 411**, relative to discrimination in the issuance of health insurance, access to group plans, and health insurance during adoption proceedings.

**HB 497**, relative to an equipment challenge grant program for vocational and technical education programs and making an appropriation therefor.

**HB 527**, licensing speech-language pathologists and making an appropriation therefor.

**HB 601**, establishing a public water access advisory board and a statewide public boat access program and continually appropriating a special fund for the purposes of the program and creating a new class of highway for access to public waters.

**HB 646**, relative to the disposal of certain solid waste products and leaf and yard waste.

**HB 675**, relative to DWI penalties while operating a motor vehicle, OHRV, or boat, or while transporting a child, and establishing that fines for summonses for motor vehicle violations for which a plea may be made by mail be paid to the division of motor vehicles and making an appropriation therefor.

**HB 677**, establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases.

**HB 689**, relative to implied consent and administrative motor vehicle license suspension.

**HB 740**, increasing political expenditure limitations for certain candidates, relative to the penalty for exceeding total expenditure limitations, establishing a campaign spending administrative account, relative to reporting requirements for candidates, and making a supplemental appropriation to the secretary of state.

**HB 758**, relative to the right to privacy act.

**HB 778**, relative to the laws against discrimination.

**HB 1005**, relative to the reapportionment of house districts within cities and the election of delegates to state party conventions.

**HB 1025**, relative to budget adjustments for fiscal years 1992 and 1993.

**HB 1052**, relative to the appointment of the executive director of the fish and game department and allowing the governor to make more frequent appointments to the fish and game commission.

**HB 1101**, relative to certain liquor license fees and expanding certain prohibitions regarding competing interest in liquor and wine sales.

**HB 1117**, relative to the minimum age requirements for liquor license applicants, relative to employing minors in licensed establishments, and relative to games and amusements on the premises of on-sale licensees.

**HB 1123**, establishing procedures for representation of corporations, partnerships, and trusts in small claims actions.

**HB 1128**, classifying certain misdemeanors as either class A or class B.

**HB 1330**, prohibiting certain credit card practices involving providers of travel services.

**HB 1136**, relative to the regulation of small loans and second mortgage home loans.

**HB 1138**, relative to the board of trust company incorporation's consideration of petitions for incorporation of savings banks.

**HB 1182**, authorizing the division of human services to establish a system to recoup child support payments made in error, clarifying confidentiality of certain information, and allowing the division to close certain cases.

**HB 1255**, requiring the director of the sweepstakes commission to study the current operation of bingo games and sale of lucky 7 tickets.

**HB 1256**, requiring the department of transportation to study the US Rt. 3 and NH Rt. 11 transportation corridor.

**HB 1278**, permitting towns to make by laws for refuse disposal in specifically-designated bags and altering district court procedure for levying fines against bylaws violators.

**HB 1295**, relative to rate modifications for individual accident and health insurance policies and relative to approval of certain motor vehicle warranty agreements and surety bonds.

**HB 1305**, permitting the carrying and selling of antique gun and sword canes and prescribing penalties for the criminal use of pistol canes and sword canes.

**HB 1329**, relative to payments of annual budget funds to village districts and relative to the Sugar Hill annual town meeting.

**HB 1344**, requiring the house environmental and agriculture and the senate environment committees to review the laws relative to solid waste management and authorizing a municipality to issue bonds to pay the cost of the cleanup of superfund hazardous waste sites.

**HB 1357**, establishing a committee to study the concept of in-home care as an alternative to institutionalized care, allowing residential care facilities to be participating institutions under the law relative to the NH higher educational and health facilities authority, and adding home health care providers to the facilities covered under the laws relative to the higher educational building corporations.

**HB 1372**, placing restrictions on the sale and disposal of manganese, zinc carbon, oxide and nickel-cadmium batteries.

**HB 1374**, establishing a task force on women at risk for alcohol and other drug abuse during pregnancy.

**HB 1376**, relative to water pollution, including requiring the department of environmental services to assume 20 percent of eligible costs of the North Conway Water Precinct sewer system project, making an appropriation for cost payments, relative to aid for water pollution control for regional waste treatment facilities for Winnepesaukee river basin, establishing a grant program for water pollution, and relative to future funding of certain classified positions within the department of environmental services.

**HB 1382**, requiring all sellers of property to fully disclose information relative to private water supplies and septic and sewage disposal systems, relative to drainage pools, exempting homeowners associations from certain registration requirements, and exempting small motor mineral dredging permits from certain requirements.

**HB 1396**, authorizing municipalities to incur debt in the form of bonds guaranteed by the state of NH to assist municipalities, towns, cities, counties or districts to close landfills and to clean up certain hazardous waste sites.

**HB 1399**, changing the name of the board of examiners of psychologists to the board of examiners of psychology and mental health practice, expanding such board, and certifying mental health counselors.

**HB 1400**, relative to the comprehensive shoreland protection act.

**HB 1401**, requiring the mandates task force to study the impact of the development of the prison facility in the city of Laconia.

**HB 1430**, relative to the disclosure of certain information relating to musical performances.

**HB 1439**, instituting a motor vehicle emissions inspection program and requiring a study of diesel and other vehicles.

**HB 1455**, relative to motor vehicle laws, including suspension of wholesale motor vehicle dealer's registration, hanging disability placards, other technical changes, and relative to nonresident automobile insurance.

**HB 1468**, relative to special education catastrophic aid.

**HB 1491**, requiring professional fundraisers for police, law enforcement and fire-fighters' associations to register with and be regulated by the department of justice, increasing the amount of the registration fee, solicitation fee and bond, and making technical amendments to the registration law.

**HB 1493**, increasing the appropriation to the east-west highway study and extending the study deadline.

**HB 1494**, implementing the recommendations of the NH supreme court long-range planning task force regarding the judicial branch.

**HB 1495**, establishing a committee to study the management of NH tidal waters and related issues.

**SB 62**, requiring the introduction of legislation in the 1993 session relative to athletic trainers and the board of registration in medicine.

**SB 304**, relative to business assistance and institutional arrangements.

**SB 308**, revising the business corporation act.

**SB 314**, making a supplemental appropriation for the board of tax and land appeals and increasing filing fees for appeals to the board.

**SB 319**, increasing medicaid eligibility for pregnant women and infants.

**SB 321**, relative to voter registration and changes in party affiliation with town clerks and relative to supervisors of the checklist.

**SB 324**, establishing a commission on the family and permitting Jewish Rabbis who are not citizens of the US to solemnize marriages.

**SB 335**, authorizing the board of marital mediator certification to establish and collect certification fees, certify certain applicants and making an appropriation therefor.

**SB 339**, relative to regulatory reform and transferring certain responsibilities relative to securities regulation from the department of justice to the secretary of state.

**SB 343**, relative to reconsideration of town meeting and school district meeting votes.

**SB 362**, redefining proprietary medicines to include nonprescription medicines and exempting non-pharmacy retail stores and outlets from classification as pharmacies for the purpose of RSA 318.

**SB 363**, relative to health insurance coverage of autologous bone marrow transplants in the treatment of breast cancer.

**SB 370**, relative to health insurance coverage for scalp hair prostheses.

**SB 375**, allowing the division of parks and recreation to give rewards for information leading to the recovery of stolen division property.

**SB 376**, relative to congregate services programs.

**SB 378**, transferring certain duties under the uniform reciprocal enforcement of support act from county attorneys to the division of human services and providing for a transition period for such transfer.

**SB 393**, relative to infrastructure development and making appropriations therefor.

**SB 399**, requiring rabies shots for cats.

**SB 410**, creating a task force to study establishing precautionary measures to be followed by health care workers to control the spread of AIDS, hepatitis and tuberculosis.



**SB 428**, designating segments of the Connecticut River for the rivers management and protection program, reclassifying a segment of the Contoocook River, allowing existing hydroelectric facilities to maintain operations, and requiring the establishment of procedures before water can be released from dams.

**SB 437**, relative to the NH Dental Service Corporation.

**SB 443**, requiring the division for children and youth services to develop, implement and administer an automated case management system and making an appropriation therefor.

**SB 450**, relative to capital formation.

**SB 452**, redistricting certain district courts.

**SB 472**, relative to modifying sexual assault statutes and continuing a study committee.

Sen. Currier, Rep. Dunn for the Committee

### SENATE MESSAGE

### CONCURRENCE

**HB 677-FN**, establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases.

Rep. Michael Hill moved that the House adjourn.

Adopted.

**HOUSE JOURNAL No. 28**

Wednesday, May 27, 1992

The House assembled at 11:00 a.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by House Chaplain, the Reverend Edward G. Horstmann.

Almighty God, we draw within the circle of our love, the President of the United States and the members of Congress, and we pray especially for the land and people of New Hampshire. We give You thanks for each member of this House of Representatives and for all who encourage and support their work. Consecrate them and bless the fruits of their labor, and grant us wisdom, courage and love for the promise of days ahead. Amen.

Rep. L'Heureux led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Morse, Stewart, Vincent, Thomas Christie and Hogan, the day, illness.

Reps. Coffey, Harland, Braiterman, Tsiros, David Young, Metzger, Lewis, Milard, Holden, Gilbreth, Robert Kelley, Shackett, Marsh, Peyron, Nancy Ford, Trelfa, Senter, Ziegra, William McCain and Stamatakis, the day, important business.

**INTRODUCTION OF GUESTS**

Maki Myoshi, guest of Rep. Guest. David Morgan, guest of Rep. Dow. Shirley Vargo, guest of Rep. Fair. Kate Pratt, guest of Rep. Malcolm. Donald Barneetz, guest of Rep. O'Brien. Andrea Hill and Marion LaClair, daughter and mother-in-law of Rep. Michael Hill. Robert Bruina and Yvonne Westmoreland, guests of Rep. Haetenschwiler.

**OPINION OF THE JUSTICES**

(House Bill 1407)

May 6, 1992

Response to the Honorable House of Representatives.

On April 30, 1992, this court received a resolution from the house of representatives requesting an opinion of the justices concerning the constitutionality of RSA 585:12, :13 and :14. "[I]t has been the long-established law in this State that the 'constitutional provision for advisory opinions, with exceptions not material here, does not permit the Supreme Court to advise the Legislature as to the meaning and scope of existing statutes.'" Opinion of the Justices, 116, N.H. 358, 360 (1976) (quoting Opinion of the Justices, 102, N.H. 187, 188 (1959)). "Similar considerations prevent the supreme court from rendering advisory opinions on the constitutionality of existing laws as distinct from the constitutionality of proposed legislation." Opinion of the Justices, 116 N.H. at 360. While we have been advised by the house that House Bill 1407, an act to repeal the laws in question, is currently before the house for reconsideration following passage by the house and senate and veto by the Governor, no question as to the constitutionality of House Bill 1407 has been propounded by the house. The justices of the supreme court, therefore, respectfully request that they be excused from the duty to return an answer to your inquiry.

David A. Brock, William F. Batchelder, William R. Johnson, W. Stephen Thayer, III and Sherman D. Horton, Jr.

**MOTION TO REMOVE FROM THE TABLE**

Rep. Pepino moved that **HB 1407**, repealing laws relative to abortion, be removed from the table. (Pending question: Notwithstanding the Governor's veto, shall HB 1407 pass) (Veto message printed in HJ 25, 4/29/92)

Roll call request sufficiently seconded.

The question being to remove HB 1407 from the table.

**YEAS 70****NAYS 262****YEAS 70  
BELKNAP**

Golden, Paul A.

Rice, Thomas E. P., Jr.

Rosen, Ralph J.

**CARROLL**

Allard, Nanci A.

Daly, Robert J., Jr.

Foster, Robert W.

**CHESHIRE**

Crutchley, Donald O.

DePecol, Benjamin J.

Grodin, Richard A.

Kennison, Wayne A.

Mohr, Frederick C., Jr.

Sawyer, Alfred P.

**COOS**

Theriault, Romeo J.

**GRAFTON**

None

**HILLSBOROUGH**

Amidon, Eleanor H.

Andrews, Frederick B.

Baroody, Benjamin C.

Bourque, Ann J.

Daigle, Robert A.

Desrochers, Gerard T.

Dodge, Emma M.

Drabinowicz, A. Theresa

Dyer, Merton S.

Ferguson, Charles

Fields, Dennis H.

Gagnon, Eugene L.

Gureckis, Adam C., Sr.

Healy, Daniel J.

Hultgren, David D.

Jasper, Shawn N.

L'Heureux, Robert J.

Leclerc, Charles J.

Mason, Howard F.

McNerney, Daniel P.

Nardi, Theodora P.

Ouellette, Robert O.

Pepino, Leo P.

Rothhaus, Finlay C.

Soucy, Richard A.

White, John M.

**MERRIMACK**

Apple, Lowell D.

Barberia, Richard A.

Carter, Susan D.

Daneault, Gabriel J.

Fillion, Paul R.

Hayes, Robert C.

**ROCKINGHAM**

Barnes, John S., Jr.

Boucher, William P.

Chase, Lawrence A., Jr.

Christie, Andrew, Jr.

Connell, David R.

Cooke, Annette M.

Dowling, Patricia A.

Drake, Herbert R.

Flanders, David A.

Hoelzel, Kathleen M.

Hynes, Carolyn E.

Klemarczyk, Thaddeus E.

Klemm, Arthur P., Jr.

Palazzo, Frank J.

Sytek, Donna P.

Sytek, John J.

Tufts, Arthur

Warburton, Calvin

Welch, David A.

Weyler, Kenneth L.

Woods, Deborah L.

**STRAFFORD**

Appleby, James E.

Kinney, Paula J.

**SULLIVAN**

Behrens, Thomas A.

Domini, Irene C.

### NAYS 262 BELKNAP

Accornero, Harry  
Campbell, Richard H., Jr.  
Johnson, Carl R.  
Shibley, Arnold P.

Bartlett, Gordon E.  
Dewhirst, Glenn E.  
Joscelyn, William W.  
Turner, Robert H.

Cain, Thomas G.  
Holbrook, Robert G.  
Maviglio, Steven R.  
Vogler, Charles C.

### CARROLL

Beach, Mildred A.  
Dickinson, Howard C.  
Saunders, Howard N.

Bradley, Jeb E.  
Dodge, A. Gibb, Jr.  
Wiggin, Allen R.

Chandler, Gene G.  
Jean, Robert R.  
Wiggin, Gordon E.

### CHESHIRE

Burnham, Daniel M.  
Cole, Stacey W.  
Foster, Katherine D.  
LaMar, David M.  
Pearson, Gertrude B.

Champagne, Richard L.  
Doucette, Richard F.  
Hunt, John B.  
Laurent, John J.  
Pratt, Irene A.

Clark, Eugene W.  
Feuer, Joseph N.  
Kingsbury, H. Thayer  
Lynch, Margaret A.  
Riley, William A.

### COOS

Brungot, Catherine V.  
Hawkinson, Marie C.  
Mayhew, Josephine  
Oliver, Terry D.

Coulombe, Henry W.  
Horton, Lynn C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Nelson, Harold D.

### GRAFTON

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
Guest, Robert H.  
Larson, Nils H., Jr.  
McIlwaine, Deborah P.  
Scanlan, David M.  
Ward, Kathleen W.

Arnesen, Deborah L.  
Brown, Patricia B.  
Dow, David  
Hill, Richard L.  
Lougee, Richard W.  
Nielsen, Niels F., Jr.  
Teschner, Douglass P.  
White, Paul R.

Bean, Pamela B.  
Chambers, Mary P.  
Driscoll, William J.  
LaMott, Paul I.  
Markley, J. Keith  
Nordgren, Sharon L.  
Wadsworth, Karen O.

### HILLSBOROUGH

Ackerman, Philip M.  
Arnold, Barbara E.  
Baldizar, Barbara J.  
Calawa, Leon, Jr.  
Clemons, Jane A.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Drolet, Paul L.  
Emerton, Lawrence A.  
Gage, Ruth E.  
Green, Scott E.  
Hanselman, Gregory L.  
Jean, Claudette R.  
Keane, Cornelius J.  
Kurk, Neal M.  
Laughlin, J. Francis

Ahrens, Frederick G.  
Asselin, Robert P.  
Bowers, Dorothy C.  
Carpenter, Karen A.  
Cook, Valerie S.  
Crotty, Edward J.  
Domaingue, Jacquelyn M.  
Durham, Susan B.  
Fenton, James J.  
Gosselin, Gerald O.  
Greenglass, Alan B.  
Healy, Walter F.  
Jean, Romeo W.  
Kelley, Dana F.  
Lachut, Ervin R.  
Lawrence, Eva M.

Alukonis, David J.  
Baker, George H., Sr.  
Buckley, Raymond  
Chasse, Richard D.  
Cote, David E.  
Daniels, Gary L.  
Donovan, Francis X.  
Elliott, Larry G.  
Ferlan, Arthur P.  
Goulet, Maurice E.  
Haettenschwiller, Alphonse  
Janas, Gregory  
Johnson, Lionel W.  
King, Frank P.  
Larochelle, Roger B.  
Lawrence, Norman B.



Lefebvre, Roland J.  
 McCann, Bonnie Lou  
 Mercer, Robert S.  
 Murphy, Robert E.  
 Paquette, Rodolphe G.  
 Reidy, Frank J.  
 Robinson, Ellen-Ann  
 Searles, Stanley N., Sr.  
 Tarpley-Bamberger, Nancy L.  
 Upton, Barbara A.  
 Wheeler, Robert L.

Lown, Elizabeth D.  
 McDowell, James E.  
 Messier, Irene M.  
 O'Rourke, Joanne A.  
 Peters, Stanley W.  
 Rheault, Lillian I.  
 Rodgers, G. Philip  
 Soucy, Donna M.  
 Tate, Joan C.  
 Vanderlosk, Stanley R.  
 Wright, George W.

Lozeau, Donnalee M.  
 McRae, Karen K.  
 Moore, Elizabeth A.  
 Packard, Bonnie B.  
 Record, Alice B.  
 Riley, Frances L.  
 Sallada, Roland A.  
 Stiles, Walter A.  
 Turgeon, Roland M.  
 Wheeler, David K.

### MERRIMACK

Anderson, Eleanor M.  
 Chandler, John P.  
 Feuerstein, Martin  
 Hall, Douglas E.  
 Johnson, C. William  
 Letourneau, George E.  
 Nichols, Avis B.  
 Stio, Peter M.  
 Wallner, Mary Jane

Asplund, Bronwyn L.  
 Dunn, Miriam D.  
 Gross, Caroline L.  
 Hill, Michael J.  
 Johnson, Joyce M.  
 Lockwood, Robert A.  
 Smith, Gerald R.  
 Teague, Bert  
 Weeks, John F., Jr.

Chandler, Earle W.  
 Fair, Patricia A.  
 Hager, Elizabeth S.  
 Jacobson, Alf E.  
 Kidder, William F.  
 Molner, Mary E.  
 Soldati, Jennifer G.  
 Trombly, Rick A.  
 Yeaton, Charles B.

### ROCKINGHAM

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Cote, Patricia L.  
 Dube, LeRoy S.  
 Flanders, Harry E.  
 Gage, Beverly A.  
 Hoar, John, Jr.  
 Kane, Cecelia D.  
 Lovejoy, Virginia K.  
 Malcolm, Kenneth W.  
 McKinney, Betsy  
 Pantelakos, Laura C.  
 Rosencrantz, James R.  
 Schanda, Joseph, Sr.  
 Smith, Arthur W.  
 Thayer, Leroy C.

Benton, Richardson D.  
 Clark, Martha Fuller  
 DiPietro, Carmela M.  
 Felch, Charles H., Sr.  
 Flanders, John W., Sr.  
 Greene, Elizabeth A.  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 MacDonald, Joseph A.  
 McCarthy, John J., Jr.  
 Melnick, Roy E.  
 Parr, Ednappearl F.  
 Roulston, Donald L.  
 Simon, Peter M.  
 Syracuse, Anthony  
 Vaughn, Charles L.

Campbell, Marilyn R.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Flanagan, Natalie S.  
 Ford, Bert H.  
 Haynes, Richard  
 Johnson, Robert A.  
 Keith, Brenda E.  
 Magoon, Harold F.  
 McGovern, Cynthia A.  
 Packard, Sherman A.  
 Raynowska, Bernard J.  
 Rubin, George R.  
 Skinner, Patricia M.  
 Terninko, Margaret B.  
 Wells, Henry E.

### STRAFFORD

Bickford, Drucilla  
 Flynn, Edward J.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 Marston, Robert E.  
 Messier, Donald R.  
 O'Brien, John

Brown, Julie M.  
 Foss, Patricia H.  
 Hashem, Elaine M.  
 Kincaid, William K.  
 McCann, William H., Jr.  
 Musler, George T.  
 Pageotte, Donald P.

Corte, Arthur B.  
 Frechette, Roland A.  
 Jankowski, Peter M.  
 Knowles, William V.  
 Merrill, Amanda A.  
 Nehring, William H.  
 Parks, Joe B.

Pelley, Janet R.  
Torr, Ann M.  
Young, John B.

Spencer, Leo J.  
Torr, Ralph W.

Sullivan, Henry P.  
Wheeler, Katherine W.

#### SULLIVAN

Allison, David C.  
Krueger, Richard H.  
Rodeschin, Beverly T.  
and the motion failed.

Burling, Peter Hoe  
Lindblade, Eric N.  
Schotanus, Merle W.

Flint, Gordon B.  
Middleton, John A.  
Walsh, Robert R.

Rep. Wall notified the Clerk that she voted yea and intended to vote nay.

Rep. Martling notified the Clerk that he wished to be recorded in opposition to the motion.

The Chair stated its opinion that the Governor's veto had been sustained because the House refused to take the bill from the table.

#### NEW COMMITTEE OF CONFERENCE REPORT

**HB 1026**, relative to a companion bill to the supplemental budget. (Report printed SJ 22, 5/7/92)

Rep. Channing Brown spoke in favor and yielded to questions.

Rep. Douglas Hall yielded to questions.

Reps. Welch and Jacobson spoke against.

Rep. Kurk spoke against and yielded to questions.

Reps. Chambers and Gross spoke in favor.

Roll call request sufficiently seconded.

The question being the adoption of the Committee of Conference report.

#### YEAS 206

#### YEAS 206

#### BELKNAP

Campbell, Richard H., Jr.  
Maviglio, Steven R.

Holbrook, Robert G.  
Shibley, Arnold P.

Joscelyn, William W.  
Turner, Robert H.

#### CARROLL

Beach, Mildred A.

Chandler, Gene G.

Dickinson, Howard C.

#### CHESHIRE

Burnham, Daniel M.  
Crutchley, Donald O.  
Feuer, Joseph N.  
LaMar, David M.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Clark, Eugene W.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Lynch, Margaret A.  
Pratt, Irene A.

Cole, Stacey W.  
Doucette, Richard F.  
Kingsbury, H. Thayer  
Mohr, Frederick C., Jr.  
Riley, William A.

#### COOS

Coulombe, Henry W.  
Horton, Lynn C.  
Nelson, Harold D.

Guay, Lawrence J.  
Kilbride, Dennis J.  
Oliver, Terry D.

Hawkinson, Marie C.  
Mayhew, Josephine  
Therault, Romeo J.

#### GRAFTON

Adams, Carl S.  
Brown, Channing T.  
Copenhagen, Marion L.

Arnesen, Deborah L.  
Brown, Patricia B.  
Driscoll, William J.

Bean, Pamela B.  
Chambers, Mary P.  
Guest, Robert H.

Hill, Richard L.  
Lougee, Richard W.  
Scanlan, David M.

LaMott, Paul I.  
McIlwaine, Deborah P.  
Wadsworth, Karen O.

Larson, Nils H., Jr.  
Nordgren, Sharon L.  
Ward, Kathleen W.

### HILLSBOROUGH

Ackerman, Philip M.  
Arnold, Barbara E.  
Baldizar, Barbara J.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Donovan, Francis X.  
Dwyer, Patricia R.  
Emerton, Lawrence A.  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Janas, Gregory  
Jean, Romeo W.  
King, Frank P.  
Leclerc, Charles J.  
Mason, Howard F.  
McNerney, Daniel P.  
Nardi, Theodora P.  
Paquette, Rodolphe G.  
Reidy, Frank J.  
Soucy, Donna M.  
Tate, Joan C.

Ahrens, Frederick G.  
Asselin, Robert P.  
Baroody, Benjamin C.  
Clemons, Jane A.  
Crotty, Edward J.  
Drabinowicz, A. Theresa  
Dyer, Merton S.  
Ferguson, Charles  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Johnson, Lionel W.  
Laroche, Roger B.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
Messier, Irene M.  
O'Rourke, Joanne A.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Soucy, Richard A.  
Turgeon, Roland M.

Amidon, Eleanor H.  
Baker, George H., Sr.  
Buckley, Raymond  
Cote, David E.  
Daigle, Robert A.  
Durham, Susan B.  
Elliott, Larry G.  
Fields, Dennis H.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Jean, Claudette R.  
Keane, Cornelius J.  
Laughlin, J. Francis  
Martin, Mary Ellen  
McDowell, James E.  
Murphy, Robert E.  
Packard, Bonnie B.  
Record, Alice B.  
Smith, Leonard A.  
Tarpley-Bamberger, Nancy L.

### MERRIMACK

Boucher, Laurent J.  
Daneault, Gabriel J.  
Feuerstein, Martin  
Hager, Elizabeth S.  
Hill, Michael J.  
Kidder, William F.  
Molner, Mary E.  
Teague, Bert  
Weeks, John F., Jr.

Carter, Susan D.  
Dunn, Miriam D.  
Fillion, Paul R.  
Hall, Douglas E.  
Johnson, C. William  
Letourneau, George E.  
Soldati, Jennifer G.  
Trombly, Rick A.  
Yeaton, Charles B.

Chandler, John P.  
Fair, Patricia A.  
Gross, Caroline L.  
Hayes, Robert C.  
Johnson, Joyce M.  
Lockwood, Robert A.  
Stapleton, Henry F.  
Wallner, Mary Jane

### ROCKINGHAM

Bell, Juanita L.  
Caswell, Albert, Jr.  
Felch, Charles H., Sr.  
Greene, Elizabeth A.  
Hurst, Sharleene P.  
Kane, Cecelia D.  
MacDonald, Joseph A.  
Melnick, Roy E.  
Schanda, Joseph, Sr.  
Syracusa, Anthony  
Terninko, Margaret B.  
Wells, Henry E.

Benton, Richardson D.  
Clark, Martha Fuller  
Flanders, John W., Sr.  
Haynes, Richard  
Hynes, Carolyn E.  
Katsakiores, George N.  
Magoon, Harold F.  
Pantelakos, Laura C.  
Simon, Peter M.  
Sytek, Donna P.  
Tufts, Arthur  
Woods, Deborah L.

Campbell, Marilyn R.  
Dowling, Patricia A.  
Gage, Beverly A.  
Hoelzel, Kathleen M.  
Johnson, Robert A.  
Lovejoy, Virginia K.  
McGovern, Cynthia A.  
Rosencrantz, James R.  
Skinner, Patricia M.  
Sytek, John J.  
Vaughn, Charles L.

**STRAFFORD**

Appleby, James E.  
Foss, Patricia H.  
Jankowski, Peter M.  
Kinney, Paula J.  
McCann, William H., Jr.  
Musler, George T.  
Pelley, Janet R.  
Torr, Ann M.  
Young, John B.

Brown, Julie M.  
Hambrick, Patricia A.  
Keans, Sandra B.  
Knowles, William V.  
Merrill, Amanda A.  
Nehring, William H.  
Spencer, Leo J.  
Wall, Janet G.

Corte, Arthur B.  
Hashem, Elaine M.  
Kincaid, William K.  
Martling, W. Kent  
Messier, Donald R.  
Pageotte, Donald P.  
Sullivan, Henry P.  
Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
Krueger, Richard H.

Behrens, Thomas A.  
Schotanus, Merle W.

Burling, Peter Hoe  
Walsh, Robert R.

**NAYS 135****BELKNAP**

Accornero, Harry  
Dewhirst, Glenn E.  
Rice, Thomas E. P., Jr.  
Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
Golden, Paul A.  
Rosen, Ralph J.

Cain, Thomas G.  
Johnson, Carl R.  
Vogler, Charles C.

**CARROLL**

Allard, Nanci A.  
Dodge, A. Gibb, Jr.  
Saunders, Howard N.

Bradley, Jeb E.  
Foster, Robert W.  
Wiggin, Allen R.

Daly, Robert J., Jr.  
Jean, Robert R.  
Wiggin, Gordon E.

**CHESHIRE**

Champagne, Richard L.  
Laurent, John J.

Hunt, John B.

Kennison, Wayne A.

**COOS**

Brungot, Catherine V.

Merrill, Gerald P.

Pratt, Leighton C.

**GRAFTON**

Dow, David  
Teschner, Douglass P.

Markley, J. Keith  
White, Paul R.

Nielsen, Niels F., Jr.

**HILLSBOROUGH**

Alukonis, David J.  
Bowers, Dorothy C.  
Cook, Valerie S.  
Desrosiers, William J.  
Drolet, Paul L.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Kurk, Neal M.  
Lawrence, Eva M.  
Lozeau, DonnaLee M.  
Moore, Elizabeth A.  
Rheault, Lillian I.  
Rothhaus, Finlay C.

Andrews, Frederick B.  
Calawa, Leon, Jr.  
Daniels, Gary L.  
Dodge, Emma M.  
Fenton, James J.  
Goulet, Maurice E.  
Hultgren, David D.  
L'Heureux, Robert J.  
Lawrence, Norman B.  
McRae, Karen K.  
Ouellette, Robert O.  
Riley, Frances L.  
Sallada, Roland A.

Bourque, Ann J.  
Carpenter, Karen A.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Ferlan, Arthur P.  
Green, Scott E.  
Kelley, Dana F.  
Lachut, Ervin R.  
Lefebvre, Roland J.  
Mercer, Robert S.  
Pepino, Leo P.  
Rodgers, G. Philip  
Searles, Stanley N., Sr.



Stiles, Walter A.  
Wheeler, David K.  
Wright, George W.

Upton, Barbara A.  
Wheeler, Robert L.

Vanderlosk, Stanley R.  
White, John M.

### MERRIMACK

Anderson, Eleanor M.  
Barberia, Richard A.  
Nichols, Avis B.

Apple, Lowell D.  
Chandler, Earle W.  
Smith, Gerald R.

Asplund, Bronwyn L.  
Jacobson, Alf E.  
Stio, Peter M.

### ROCKINGHAM

Barnes, John S., Jr.  
Chase, Lawrence A., Jr.  
Conroy, Janet M.  
DiPietro, Carmela M.  
Dube, LeRoy S.  
Flanders, Harry E.  
Keith, Brenda E.  
Malcolm, Kenneth W.  
Packard, Sherman A.  
Raynowska, Bernard J.  
Smith, Arthur W.  
Welch, David A.

Boucher, William P.  
Christie, Andrew, Jr.  
Cooke, Annette M.  
Dowd, Sandra K.  
Flanagan, Natalie S.  
Ford, Bert H.  
Klemarczyk, Thaddeus E.  
McCarthy, John J., Jr.  
Palazzo, Frank J.  
Roulston, Donald L.  
Thayer, Leroy C.  
Weyler, Kenneth L.

Buco, Stephen W.  
Connell, David R.  
Cote, Patricia L.  
Drake, Herbert R.  
Flanders, David A.  
Hoar, John, Jr.  
Klemm, Arthur P., Jr.  
McKinney, Betsy  
Parr, Ednapearl F.  
Rubin, George R.  
Warburton, Calvin

### STRAFFORD

Bickford, Drucilla  
Frechette, Roland A.  
O'Brien, John

Douglass, Clyde J.  
Gilmore, Gary R.  
Parks, Joe B.

Flynn, Edward J.  
Marston, Robert E.  
Torr, Ralph W.

### SULLIVAN

Domini, Irene C.  
Middleton, John A.

Flint, Gordon B.  
Rodeschin, Beverly T.

Lindblade, Eric N.

and the Committee of Conference report was adopted.

### RECESS

(Speaker Burns in the Chair)

### ENROLLED BILL AMENDMENT

**HB 1026**, relative to a companion bill to the supplemental budget.

6272L

### Amendment

Amend RSA 6:12, I(tt) as inserted by section 12 of this act by replacing it with the following:

(tt) Moneys received from the town clerk under RSA 126:13, II, **and by the division of public health services under RSA 126:15, II**, which shall be credited to the vital records improvement fund established in RSA 126:31.

Amend the bill by replacing section 24 with the following:

24 Vital Records Fees. Amend RSA 126:15, II to read as follows:

II. The town clerk shall forward \$6 of each search fee collected under this section to the [state treasurer] **division of public health services** for deposit in the vital records improvement fund established under RSA 126:31 and shall retain the remaining \$4 as his fee for issuing such a copy. For subsequent copies issued at the same time, the town clerk shall forward \$3 of the fee collected for each subsequent copy

under this section to the [state treasurer] **division of public health services** for deposit in the vital records improvement fund established under RSA 126:31, and the town clerk shall retain the remaining \$3 as his fee for issuing such a copy. The town clerk shall retain the \$25 fee for a delayed birth certificate as his fee for examining documents and issuing the delayed birth certificate.

Amend section 33 of the bill by replacing line 7 with the following:

**Further, the board shall adopt rules under RSA 541-a relative to the establishment and**

Amend RSA 221-A:5-a, IV as inserted by section 35 of the bill by replacing line 3 with the following:

monitoring endowment shall remain effective unless and until amended

Amend RSA 471-C:3-a, III as inserted by section 52 of the bill by replacing it with the following:

III. Paragraph I shall apply to all property held on [the effective date of this section] **April 13, 1990**, or at any time after such date, regardless of when such property [shall be deemed] **became or becomes** presumptively abandoned.

Amend the bill by replacing section 57 with the following:

57 Appropriation to Department of Postsecondary Technical Education Increased. 1992, 259:3 is repealed and reenacted to read as follows:

3 Appropriation; Department of Postsecondary Technical Education. The sum of \$100,000 is appropriated to the department of postsecondary technical education for the purposes of this act. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend section 61 of the bill by replacing paragraph III with the following:

III. The appropriation made to the university system of New Hampshire in 1989, 367:2, D and E, as amended by 1991, 351:27, II(h), for Mason Library renovations in Keene, design of a biological lab, and Dimond Library design and shelving in Durham.

Amend the bill by replacing section 66 with the following:

66 Effective Date.

I. Section 9 of this act shall take effect July 1, 1994 at 12:01 a.m.

II. Section 43 of this act shall take effect January 1, 1994.

III. Sections 16, 21, 38-41, 44, and paragraphs I and II of section 64 shall take effect July 1, 1992.

IV. Sections 24 and 57 shall take effect July 1, 1992, at 12:01 a.m.

V. The remainder of this act shall take effect upon its passage.

Amend the bill by deleting section 58 and renumbering the original sections 59-66 to read as 58-65.

Adopted.

The Chair requested a quorum count.

A quorum was declared present.

## GOVERNOR'S VETO MESSAGE ON HOUSE BILL 1498

May 8, 1992

To the Honorable Members of the General Court:

Today I vetoed House Bill 1498-FN, relative to drug forfeiture.

I vetoed the bill because it is an insult to the law-abiding, taxpaying citizens of New Hampshire who are fighting an expensive and deadly war against drugs. If House Bill

1498 becomes law, the New Hampshire Legislature will have handed a weapon to the enemy. Drug dealers hate and fear the specter of the forfeiture law, but they and their lawyers will have a field day with House Bill 1498 if it passes.

The proponents of House Bill 1498 claim that the bill would be "fairer" to drug dealers and would make forfeitures more "proportionate to the seriousness of the charged offense." The truth of the matter is that "fairness" to society requires stiff penalties and tough enforcement. Drug dealers must be held fully accountable for the damage they do to our society, our citizens and our families.

In *U.S. v. A Parcel of Land*, the First Circuit Court of Appeals reasoned as follows:

"The ravages of drugs upon our nation and the billions the government is being forced to spend upon investigation and enforcement - not to mention the cost of drug related crime and drug abuse treatment, rehabilitation, and prevention - easily justify a recovery in excess of the strict value of the property [involved in the incident]."

Drug-related property and money forfeited in a specific situation may seem an excessive penalty for the particular incident, but consider the hundreds of transactions that are never uncovered and never prosecuted.

The proportionality provisions in combination with the "automatic stay" provisions of House Bill 1498 create costly practical problems and raise unnecessary constitutional issues. If the New Hampshire civil forfeiture law is linked to our criminal law through the automatic stay provision, criminal lawyers may argue that issues of double jeopardy and standard of proof should apply. Also, if the automatic stay is instituted, property seized under the forfeiture act would have to be stored indefinitely, resulting in storage expenses, depreciation and creditor problems that are not justified.

Currently, RSA 318-b: 17-b provides that property and money knowingly used in the drug trade is subject to forfeiture and sale by the State of New Hampshire. 45% of the first \$200,000 raised is returned to the community, 10% to the state office of alcohol and drug abuse, and 45% to the department of justice for drug programs at local, county and state levels. The "DARE" program is an example. Any balance remaining goes primarily to the department of justice enforcement fund. If the fund goes over \$1,000,000 the remainder goes to the general fund. In the last 5 years, over \$1.6 million has been collected and expended for criminal drug enforcement and drug prevention programs.

Contrary to some of the more "fashionable" social theories, tough laws with tough penalties do deter many people from committing anti-social and self-destructive acts. The New Hampshire legislature recently exercised this reasoning when it passed enhanced penalties for DWI, homicide and sexual assault cases. The New Hampshire drug forfeiture law should remain as it stands. It parallels federal law and helps finance law enforcement efforts in this war; it sends the right message to drug dealers: If you deal in illegal drugs, the people of New Hampshire have authorized their government to take everything you own in connection with that business.

Drug dealers and their lawyers fear our drug forfeiture laws. If House Bill 1498 passes they will celebrate a victory that they cannot win in court. House Bill 1498-FN is a misguided, irresponsible and unreasonable bill that hurts our police, our prosecutors, and our drug education and rehabilitation efforts. It would only benefit criminals at the expense of the New Hampshire public.

Judd Gregg, Governor

Rep. Lown spoke in favor of overriding the veto.

Reps. Jasper and Lougee spoke against and yielded to questions.

Reps. Warburton, Welch and Richard Campbell spoke in favor.

Reps. Richard Hill and Donna Sytek spoke against.

Reps. Jacobson and Lozeau spoke in favor and yielded to questions.

The question being, notwithstanding the Governor's veto, shall **HB 1498-FN**, relative to drug forfeiture, pass.

As required by the Constitution, a roll call was taken.

### YEAS 157

### NAYS 192

#### YEAS 157

#### BELKNAP

Campbell, Richard H., Jr.	Hawkins, Robert S.	Joscelyn, William W.
Salatiello, Thomas B.		

#### CARROLL

Dodge, A. Gibb, Jr.	Foster, Robert W.
---------------------	-------------------

#### CHESHIRE

Burnham, Daniel M.	Champagne, Richard L.	Cole, Kenneth A.
DePecol, Benjamin J.	Doucette, Richard F.	Feuer, Joseph N.
Foster, Katherine D.	Hunt, John B.	Kingsbury, H. Thayer
LaMar, David M.	Lynch, Margaret A.	Mohr, Frederick C., Jr.
Pearson, Gertrude B.	Pratt, Irene A.	Riley, William A.

#### COOS

Buckley, C. Fitzgerald	Coulombe, Henry W.	Hawkinson, Marie C.
Kilbride, Dennis J.	Mayhew, Josephine	Oliver, Terry D.
Therault, Romeo J.		

#### GRAFTON

Arnesen, Deborah L.	Brown, Channing T.	Brown, Patricia B.
Chambers, Mary P.	Copenhaver, Marion L.	Guest, Robert H.
LaMott, Paul I.	Larson, Nils H., Jr.	Markley, J. Keith
McIlwaine, Deborah P.	Nordgren, Sharon L.	Scanlan, David M.
Teschner, Douglass P.		

#### HILLSBOROUGH

Ackerman, Philip M.	Alukonis, David J.	Asselin, Robert P.
Baker, George H., Sr.	Baldizar, Barbara J.	Baroody, Benjamin C.
Buckley, Raymond	Calawa, Leon, Jr.	Chasse, Richard D.
Clemons, Jane A.	Cote, David E.	Crotty, Edward J.
Donovan, Francis X.	Durham, Susan B.	Dwyer, Patricia R.
Elliott, Larry G.	Ferguson, Charles	Gage, Ruth E.
Gosselin, Gerald O.	Green, Scott E.	Gureckis, Adam C., Sr.
Haettenschwiller, Alphonse	Hanselman, Gregory L.	Healy, Walter F.
Jean, Claudette R.	Jean, Romeo W.	Johnson, Lionel W.
Keane, Cornelius J.	King, Frank P.	Lachut, Ervin R.
Larochelle, Roger B.	Laughlin, J. Francis	Leclerc, Charles J.
Lown, Elizabeth D.	Lozeau, Donnalee M.	McCann, Bonnie Lou
McRae, Karen K.	Moore, Elizabeth A.	Murphy, Robert E.
Nardi, Theodora P.	O'Rourke, Joanne A.	Packard, Bonnie B.



Record, Alice B.  
Soucy, Donna M.  
Tate, Joan C.

Reidy, Frank J.  
Soucy, Richard A.  
Upton, Barbara A.

Rothhaus, Finlay C.  
Tarpley-Bamberger, Nancy L.  
White, John M.

### MERRIMACK

Carter, Susan D.  
Fillion, Paul R.  
Hill, Michael J.  
Letourneau, George E.  
Soldati, Jennifer G.  
Wallner, Mary Jane

Dunn, Miriam D.  
Gross, Caroline L.  
Jacobson, Alf E.  
Lockwood, Robert A.  
Teague, Bert  
Weeks, John F., Jr.

Fair, Patricia A.  
Hall, Douglas E.  
Johnson, Joyce M.  
Molner, Mary E.  
Trombly, Rick A.  
Yeaton, Charles B.

### ROCKINGHAM

Bell, Juanita L.  
Dowling, Patricia A.  
Griebisch, Linda  
Kane, Cecelia D.  
Packard, Sherman A.  
Simon, Peter M.  
Terninko, Margaret B.  
Wells, Henry E.

Clark, Martha Fuller  
Flanders, Harry E.  
Hutchinson, Karen K.  
MacDonald, Joseph A.  
Palazzo, Frank J.  
Skinner, Patricia M.  
Tufts, Arthur  
Weyler, Kenneth L.

DiPietro, Carmela M.  
Greene, Elizabeth A.  
Johnson, Robert A.  
McGovern, Cynthia A.  
Rosencrantz, James R.  
Syracusa, Anthony  
Warburton, Calvin  
Woods, Deborah L.

### STRAFFORD

Corte, Arthur B.  
Gilmore, Gary R.  
Keans, Sandra B.  
McCann, William H., Jr.  
Pageotte, Donald P.  
Wall, Janet G.

Flynn, Edward J.  
Hambrick, Patricia A.  
Marston, Robert E.  
Merrill, Amanda A.  
Pelley, Janet R.  
Wheeler, Katherine W.

Frechette, Roland A.  
Jankowski, Peter M.  
Martling, W. Kent  
O'Brien, John  
Sullivan, Henry P.  
Young, John B.

### SULLIVAN

Allison, David C.  
Schotanus, Merle W.

Behrens, Thomas A.  
Walsh, Robert R.

Burling, Peter Hoe

### NAYS 192

### BELKNAP

Accornero, Harry  
Dewhirst, Glenn E.  
Johnson, Carl R.  
Shibley, Arnold P.  
Zaharchuk, Peter J., Jr.

Bartlett, Gordon E.  
Golden, Paul A.  
Rice, Thomas E. P., Jr.  
Turner, Robert H.

Cain, Thomas G.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Vogler, Charles C.

### CARROLL

Allard, Nanci A.  
Chandler, Gene G.  
Jean, Robert R.  
Wiggin, Gordon E.

Beach, Mildred A.  
Daly, Robert J., Jr.  
Saunders, Howard N.

Bradley, Jeb E.  
Dickinson, Howard C.  
Wiggin, Allen R.

### CHESHIRE

Clark, Eugene W.  
Grodin, Richard A.  
Sawyer, Alfred P.

Cole, Stacey W.  
Kennison, Wayne A.

Crutchley, Donald O.  
Laurent, John J.

**COOS**

Brungot, Catherine V.  
Merrill, Gerald P.

Guay, Lawrence J.  
Nelson, Harold D.

Horton, Lynn C.  
Pratt, Leighton C.

**GRAFTON**

Adams, Carl S.  
Hill, Richard L.  
Wadsworth, Karen O.

Bean, Pamela B.  
Lougee, Richard W.  
Ward, Kathleen W.

Dow, David  
Nielsen, Niels F., Jr.  
White, Paul R.

**HILLSBOROUGH**

Ahrens, Frederick G.  
Bourque, Ann J.  
Cook, Valerie S.  
Daniels, Gary L.  
Dodge, Emma M.  
Drolet, Paul L.  
Fenton, James J.  
Gagnon, Eugene L.  
Healy, Daniel J.  
Jasper, Shawn N.  
L'Heureux, Robert J.  
Lefebvre, Roland J.  
McDowell, James E.  
Messier, Irene M.  
Pepino, Leo P.  
Riley, Frances L.  
Sallada, Roland A.  
Stiles, Walter A.  
Wheeler, David K.

Amidon, Eleanor H.  
Bowers, Dorothy C.  
Cowenhoven, Garret P.  
Desrochers, Gerard T.  
Domaingue, Jacquelyn M.  
Dyer, Merton S.  
Ferlan, Arthur P.  
Goulet, Maurice E.  
Hultgren, David D.  
Kelley, Dana F.  
Lawrence, Eva M.  
Martin, Mary Ellen  
McNerney, Daniel P.  
Ouellette, Robert O.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Searles, Stanley N., Sr.  
Turgeon, Roland M.  
Wheeler, Robert L.

Andrews, Frederick B.  
Carpenter, Karen A.  
Daigle, Robert A.  
Desrosiers, William J.  
Drabinowicz, A. Theresa  
Emerton, Lawrence A.  
Fields, Dennis H.  
Greenglass, Alan B.  
Janas, Gregory  
Kurk, Neal M.  
Lawrence, Norman B.  
Mason, Howard F.  
Mercer, Robert S.  
Paquette, Rodolphe G.  
Rheault, Lillian I.  
Rodgers, G. Philip  
Smith, Leonard A.  
Vanderlosk, Stanley R.  
Wright, George W.

**MERRIMACK**

Anderson, Eleanor M.  
Barberia, Richard A.  
Chandler, John P.  
Hager, Elizabeth S.  
Johnson, C. William  
Smith, Gerald R.  
Whittemore, James A.

Apple, Lowell D.  
Boucher, Laurent J.  
Daneault, Gabriel J.  
Hayes, Robert C.  
Kidder, William F.  
Stapleton, Henry F.

Asplund, Bronwyn L.  
Chandler, Earle W.  
Feuerstein, Martin  
Holmes, Mary C.  
Nichols, Avis B.  
Stio, Peter M.

**ROCKINGHAM**

Barnes, John S., Jr.  
Buco, Stephen W.  
Christie, Andrew, Jr.  
Cooke, Annette M.  
Dube, LeRoy S.  
Flanders, David A.  
Gage, Beverly A.  
Hoelzel, Kathleen M.  
Katsakiores, George N.  
Klemarczyk, Thaddeus E.  
MacKinnon, Nancy W.

Benton, Richardson D.  
Campbell, Marilyn R.  
Connell, David R.  
Dowd, Sandra K.  
Felch, Charles H., Sr.  
Flanders, John W., Sr.  
Haynes, Richard  
Hurst, Sharleene P.  
Katsakiores, Phyllis  
Klemm, Arthur P., Jr.  
Magoon, Harold F.

Boucher, William P.  
Caswell, Albert, Jr.  
Conroy, Janet M.  
Drake, Herbert R.  
Flanagan, Natalie S.  
Ford, Bert H.  
Hoar, John, Jr.  
Hynes, Carolyn E.  
Keith, Brenda E.  
Lovejoy, Virginia K.  
Malcolm, Kenneth W.

McCain, William F.  
Melnick, Roy E.  
Raynowska, Bernard J.  
Seward, Russell G.  
Sytek, John J.  
Welch, David A.

McCarthy, John J., Jr.  
Pantelakos, Laura C.  
Rubin, George R.  
Smith, Arthur W.  
Thayer, Leroy C.

McKinney, Betsy  
Parr, Ednapearl F.  
Schanda, Joseph, Sr.  
Sytek, Donna P.  
Vaughn, Charles L.

#### STRAFFORD

Appleby, James E.  
Douglass, Clyde J.  
Kincaid, William K.  
Messier, Donald R.  
Spencer, Leo J.

Bickford, Drucilla  
Foss, Patricia H.  
Kinney, Paula J.  
Nehring, William H.  
Torr, Ann M.

Brown, Julie M.  
Hashem, Elaine M.  
Knowles, William V.  
Parks, Joe B.  
Torr, Ralph W.

#### SULLIVAN

Domini, Irene C.  
Lindblade, Eric N.  
Rodeschin, Beverly T.

Flint, Gordon B.  
Middleton, John A.

Krueger, Richard H.  
Porter, Robert H.

and lacking the constitutionally required two-thirds, the veto was sustained.

#### SUSPENSION OF RULES

Its introduction having been approved by the Rules Committee, Reps. Fuller Clark and McCarthy moved that the rules be so far suspended as to permit consideration at the present time of **HR 72**, calling for the preservation of Wentworth-By-The-Sea.

Rep. Fuller Clark spoke in favor.

On a division vote 268 members have voted in the affirmative and 46 in the negative, the motion was adopted by the necessary two-thirds.

Reps. Fuller Clark, McCarthy and Rep. Coffey offered the following:

#### HOUSE RESOLUTION NO. 72

Whereas, the Wentworth-By-The-Sea resort hotel, New Hampshire's historic landmark hotel located in New Castle, New Hampshire, has been called the last of northern New England's great coastal hotels and was the site of peace talks which led to the signing of the Treaty of Portsmouth and the end of the Russo-Japanese War in 1905; and

Whereas, the Wentworth-By-The-Sea hotel survived the recessions of 1893, 1896, 1907, and the Great Depression of the 1930's and was a vacation retreat for President Franklin Roosevelt, actress Gloria Swanson and poet Ogden Nash, among others; and

Whereas, the Wentworth-By-The-Sea hotel embodies architectural and historical significance and a resort tradition of the past rarely available today; and

Whereas, the town of New Castle, the seacoast, and the state could reap substantial economic benefits from the preservation and revitalization of the Wentworth-By-The-Sea hotel; and

Whereas, Friends of the Wentworth, Inc., a nonprofit organization formed by a group of volunteers comprised principally of New Castle residents, are spearheading a fundraising effort to save the hotel and have developed a viable marketing alternative for the hotel involving its renovation into a 63-room inn and conference center; and

Whereas, the Japan-America Society of New Hampshire has appealed to the present owners of the hotel to preserve it; and

Whereas, engineers have determined that the hotel is as structurally-sound today as when the hotel was built; and

Whereas, demolition of the hotel would ultimately diminish the value and marketability of the Wentworth property and would also be a substantial loss to the town of New Castle and surrounding communities; now, therefore, be it

Resolved by the House of Representatives:

That the house of representatives recognizes that the Wentworth-By-The-Sea resort hotel is of important historical and architectural significance to the entire state and region and that, because of its past and the economic promise it holds for the future, it deserves to be preserved, and that copies of this resolution be forwarded by the house clerk to the governor, speaker of the house, president of the senate, the town clerk of New Castle and to the current owners of Wentworth-By-The-Sea.  
Adopted.

### SUSPENSION OF RULES

Its introduction having been approved by the Rules Committee,

Reps. Wallner, Hager, Lovejoy and Larson moved that the rules be so far suspended as to permit consideration at the present time of **HR 73**, urging the governor to place a high priority on early intervention services for children.

Rep. Hager spoke in favor and yielded to questions.

Adopted by the necessary two-thirds.

Reps. Wallner, Hager, Lovejoy and Larson offered the following:

### HOUSE RESOLUTION NO. 73

Whereas, the state of New Hampshire has shown a commitment to individuals with disabilities through the closing of Laconia developmental services, formerly the Laconia state school; and

Whereas, New Hampshire has provided early intervention services to children with disabilities through a statewide network for over a decade; and

Whereas, America 2000 calls for all children to enter school ready to learn; and

Whereas, in 1986 the United States Congress recognized "(1) an urgent and substantial need to enhance the development of handicapped infants and toddlers and to minimize their potential for developmental delay, (2) to reduce the educational costs to our society including our Nation's schools by minimizing the need for special education and related services after the handicapped infants and toddlers reach school age, (3) to minimize the likelihood of institutionalization of handicapped individuals and maximize the potential for their independent living in society and (4) to enhance the capacity of families to meet the special needs of their infants and toddlers with handicaps" and passed P.L. 99-457 to provide financial assistance to states to support and create early intervention systems nationwide; and

Whereas, Congress has reauthorized the legislation through P.L. 102-119 The Individuals with Disabilities Education Act with increased federal appropriations; now, therefore be it

Resolved by the House of Representatives:

That the house of representatives hereby urges the governor of the state of New Hampshire to proceed into year four requirements as stipulated under Part H of the P.L. 102-119; and

That the governor place a high priority on early intervention services for children in New Hampshire; and

That a report shall be submitted by the governor and the state interagency coordinating council to the legislature so that the house committees of health, human services and elderly affairs, education, and children, youth and juvenile justice can hold



public hearings during the 1993 legislative session and receive full information on P.L. 102-119.

On a division vote, 267 members having voted in the affirmative and 35 in the negative, the resolution was adopted.

### SUSPENSION OF RULES

Reps. Teague and Wallner moved that the rules be so far suspended as to permit consideration at the present time of **HB 1503**, relative to voting in certain wards in the city of Concord.

Rep. Teague spoke in favor and yielded to questions.

Adopted by the necessary two-thirds.

**HB 1503**, relative to voting in certain wards in the city of Concord.

### ANALYSIS

This bill applies to voting in wards 6 and 7 in the city of Concord at the 1992 state primary and state general elections. The bill provides that voters in ward 7 in the city shall vote at the ward house located in ward 6 for these elections. Prior to the 1992 redistricting, this ward house was located in ward F in the city of Concord.

1 Declaration of Purpose. The purpose of this act is to ensure maximum participation by the voters in ward 7 in the city of Concord at the state primary and state general elections to be held in 1992, and to avoid any accidental disenfranchisement of those voters. The general court finds that this may be accomplished by allowing these voters to vote at the same ward house in Concord which they have used for the last 108 years.

2 Voting at the State Primary and State General Elections in Concord. The provisions of this act shall apply to voting at the 1992 state primary and state general elections. Notwithstanding any other provision of law to the contrary, the voters in ward 7 in the city of Concord shall vote at the ward house which is located in ward 6 in the city of Concord. This ward house, located at 41 West Street, is the ward house which was located in ward F in the city of Concord and used as the polling place for voting in that ward prior to the 1992 redistricting legislation which was adopted by the general court in 1992, 183 (HB 1005). The provisions of this act shall not affect the polling place to be used by voters in ward 6 in the city of Concord.

3 Effective Date. This act shall take effect upon its passage.

Adopted.

Ordered to third reading.

### RESOLUTION

Rep. Gross offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

### LATE SESSION

#### Third reading and final passage

**HB 1503**, relative to voting in certain wards in the city of Concord.

**HOUSE RESOLUTION NO. 74**

honoring Mary P. Chambers, House Minority Leader

WHEREAS, beginning with the biennium of 1973-74 and running through to this very day, May 27, 1992, Mary P. Chambers, with distinction, commitment and courage, has served ten consecutive terms as an esteemed and honorable member of the New Hampshire House of Representatives, and

WHEREAS, throughout her devoted tenure in the House, Mary P. Chambers continuously has demonstrated that she firmly possesses the credentials of leadership, having served one term as Assistant Minority Leader, four terms as Deputy Minority Leader and four terms as Minority Leader, and

WHEREAS, being a native of Poca, West Virginia, where the nickname of the high school athletic teams is The Poca Dots, Mary P. Chambers, several years ago, was duly and officially proclaimed an honorary Admiral in the West Virginia Navy, and

WHEREAS, in 1967, with her husband Bert and their three children Henry, James and Jane, Mary P. Chambers did arrive in Etna, New Hampshire and during the ensuing twenty-five years did combine, quite skillfully, the warmth and charm of the northern Yankee accent with the mellowness and lilt of her own charming West Virginia accent to get the unique hybrid now called Yankee-ginny, and

WHEREAS, Mary P. Chambers is an erudite and eloquent New Hampshire Representative who, in 1952 did receive her bachelors degree from West Virginia Wesleyan College, and in 1955 did earn her masters degree from the Peabody College For Teachers at Vanderbilt University, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Mary P. Chambers, on this occasion, be saluted and recognized for her outstanding and exemplary legislative service and leadership, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to her.

Unanimously adopted.

**REMARKS**

Rep. Chambers: This has been a hard day for me and I have done remarkably well. I've kept myself under control and managed to get through it. I appreciate the humor and I hope I am leaving here with good humor to all of you. I would have felt better if you would have voted with me part of the time. I leave here with wonderful memories and a wonderful experience. It has been a delightful 20 years. The ups were far greater than the downs. I'll never forget any of you. Thank you for letting me be a part of all of this.

**ENROLLED BILL REPORT**

**HB 1026**, relative to a companion bill to the supplemental budget.

**COMMUNICATION**

May 21, 1992

James Chandler, Clerk

Enclosed is a notice regarding the request for an opinion of the justices (SR 5, 4/21/92) which was filed by the senate on April 30, 1992, on the question of the constitutionality of a bill establishing a parental choice in education program. (SB 419-FN)

On May 6, 1992, the court respectfully requested to be excused from the duty to return answers because the time remaining before the anticipated termination of the General Court's current session was insufficient to consider the questions properly. By letter dated May 18, 1992, and received by the court yesterday, the president of the

senate informed the court that the senate had voted to keep this bill on the table and had adjourned to the call of the chair; therefore, the president requested that the court answer the senate's question, taking sufficient time to allow interested parties to file memoranda.

The court has agreed to receive typewritten memoranda on the questions presented from any attorney, legislator, organization, interested party or member of the public on or before June 22, 1992. An original and 15 copies of any memorandum shall be filed.

Howard J. Zibel, Clerk  
N. H. Supreme Court

### **MOTION**

Rep. Gross moved that all bills on the table, with the exception of HB 1058, relative to a furlough program for state employees, be inexpedient to legislate.

Adopted.

### **UNANIMOUS CONSENT**

Reps. Raymond Buckley, Richard Hill and Paul White addressed the House by unanimous consent.

Rep. Gross moved that the House stand in recess for the purpose of receiving veto messages from the Governor only.

Adopted.

The House recessed at 4:00 p.m.

### **RECESS**

Rep. Ann Torr moved that the House adjourn.

Adopted.

## HOUSE JOURNAL No. 29

Wednesday, June 17, 1992

The House assembled at 1:00 p.m., the hour to which it stood adjourned and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, the Reverend Susan Hoffman, Whitefield Methodist Church.

Almighty Creator, God we gather here to work for the good of your children in this area of Your world and seek Your guidance and blessing.

We give You thanks for the days gone before and the wisdom and guidance graciously provided.

We ask Your blessing on any who are ill, and in particular, Rep. Bert Ford of this body.

Like the world You have created, those gathered here are of varieties of interests, talents, tempers, hopes and dreams.

In Your wisdom grant us ideas for the good of all Your people; words that share those ideas plainly; listening ears to absorb the good from others, to turn our ideas more precisely in our decision-making we will be true to Your love and good will for all.

As leaders of this state we not only pray for ourselves but also the leadership of every state and nation that Your wisdom and will shall prevail.

Again, we offer thanksgiving and praise to You, our guiding light of wisdom and truth. Amen.

Reps. Elizabeth Greene, Tufts, Benton, Theriault, Lawrence Boucher, Chambers, Parr, Appleby and MacDonald led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Morse and Bert Ford, the day, illness.

Reps. Holden, Stamatakis, Harland, Feuerstein, Earle Chandler, Jacobson, Asplund, Coffey, Crutchley, Fair, Molner, William Riley, Hynes, McCarthy, Nielsen, Middleton, Bourque, Amidon, Pantelakos, Griebisch and Lougee, the day, important business.

Rep. Roulston, the day, illness in the family.

### INTRODUCTION OF GUESTS

Sean Cox, grandson and guest of James Chandler, House Clerk. Joanne and Ralph Picard, guests of Rep. Barberia. Nancy Malvarosa, guest of Rep. Klemm. Elizabeth Baker, guest of Rep. Vogler. Bob Milligan, guest of Rep. L'Heureux. Eileen Reilly and Joyce Duncan, guests of Rep. Haettenschwiller. Lee Hurst, husband and guest of Rep. Hurst. Dana Norris, guest of Rep. Warburton. George W. Fellendorf, guest of Rep. Doucette.

### COMMUNICATION OPINION OF THE JUSTICES

(House Bill 1058)

June 10, 1992

To the Honorable House of Representatives:

The undersigned justices of the supreme court now submit the following replies to your questions of March 5, 1992. Following our receipt of your resolution on March



6, 1992, we invited interested parties to file memoranda with the court on or before April 6, 1992. That date was later extended to April 14, 1992.

House of Representatives Bill (HB) 1058-FN (the bill) is a budget-slashing device intended by the proponents to rescue the State from the prospects of fiscal ruin. In essence, it would require certain State employees to take unpaid leave, thus reducing State expenditures and obviating the possibility of still deeper spending cuts or the imposition of additional taxes. The bill provides:

“1 Employee Furlough Program.

I. Notwithstanding any other provision of law, rule, or regulation to the contrary, during the biennium ending June 30, 1993, each person occupying a permanent full-time classified, unclassified, or nonclassified position, regardless of the branch of government or source of funding, is hereby required to take unpaid days of leave according to the following schedule:

Salary Range	Number of Days of Unpaid Leave
\$15,000 or less	0
\$15,001 - \$25,000	3
\$25,001 - \$40,000	5
more than \$40,000	6

II. The periods when such leave is taken shall be decided in consultation with such person's supervisor but no person shall take more than one day of unpaid leave in any one week. For the purpose of this section the requirements to take unpaid leave cannot be satisfied by using sick leave, annual leave, bonus leave, floating holidays, compensatory time or any other similar benefit.

III. The savings from this action shall be lapsed into the salary adjustment fund and the employee benefit adjustment account as appropriate, to revert to the appropriate fund, and, except for federal or other non-state funds, shall not be available for transfer for any purpose.

IV. No employee furloughed according to the provisions of this section shall, for purposes of retirement members average final compensation calculations only, have his salary reduced to an amount less than the employee would have earned had the furlough provisions required by this section not been implemented.

V. No employee shall as a result of the provisions of this section forfeit any benefits relative to annual or sick leave, additional annual leave, bonus leave or longevity pay. An unpaid day of leave taken pursuant to this section shall not in any event be considered a break in service for the purposes of determining anniversary dates or for purposes of the continuous service requirements for health and dental insurance coverage.

2 Effective Date. This act shall take effect upon its passage.”

We begin our analysis with question one, which asks “[w]hether [the bill] affects the terms of the collective bargaining agreement currently in effect between the state and classified state employees and, if so, whether its effect is to violate the contract clause of the United States Constitution, Art. 1, Sec. 10 or the New Hampshire Constitution, Pt. 1[,] Art. 23?” We answer all parts of this question in the affirmative.

Part I, article 23 of the New Hampshire Constitution states: “Retrospective laws are highly injurious, oppressive, and unjust. No such laws, therefore, should be made . . . for the decision of civil causes . . . .” “Retrospective law” has been defined as follows: “every statute, which takes away or impairs vested rights, acquired under

existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability, in respect to transactions or considerations already past . . . .” *Woart v. Winnick*, 3 N.H. 473, 479 (1826) (quoting *Society v. Wheeler*, 22 F. Cas. 756, 767 (C.C.D.N.H. 1814) (No. 13,156)).

Article 1, section 10 of the Federal Constitution, on the other hand, declares that “[n]o state shall . . . pass any . . . law impairing the obligation of contracts . . . .” Although the New Hampshire provision affords more protection than its federal counterpart, compare *United States Trust Co. v. New Jersey*, 431 U.S. 1, 17 (1977) (“[The federal] Contract Clause does not prohibit States . . . from enacting legislation with retroactive effect.”) with *Gould v. Concord Hospital*, 126 N.H. 405, 408, 493 A.2d 1193, 1195-96 (1985) (right to assert statute of limitations defense vests once limitations period has run; part I, article 23 prohibits law from operating retroactively to impair that vested right); see also *Society v. Wheeler*, 22 F. Cas. at 767 (where no contract violation is alleged, federal provision does not apply; part I, article 23 may apply if law is retrospective), this court has relied on federal contract clause cases to resolve issues raised under part I, article 23 where contract impairment, and not simply retroactive application of a law, was alleged, see *Smith Insurance, Inc. v. Grievance Committee*, 120 N.H. 856, 862-63, 424 A. 2d 816, 820 (1980); *Geldhof v. Penwood Associates*, 119 N.H. 754, 755, 407 A. 2d 822, 823 (1979). We therefore understand article I, section 10 and part I, article 23 to offer equivalent protections where a law impairs a contract, or where a law abrogates an earlier statute that is itself a contract, see *United States Trust Co. v. New Jersey*, 431 U.S. at 17 n.14 (“[W]hen the language and circumstances evince a legislative intent to create private rights of a contractual nature enforceable against the State,” the “statute is itself treated as a contract.”). For convenience, the phrase “contract clause of the New Hampshire Constitution” or the like will designate that portion of part I, article 23 which duplicates the protections found in the contract clause of the United States Constitution.

The first part of question one, asking whether the bill affects the terms of the collective bargaining agreement (the CBA), articulates the first step in any contract clause analysis. There can be no contract clause violation unless it is first shown that a contract has been substantially altered. See *Energy Reserves Group, Inc. v. Kansas Power & Light Co.*, 459 U.S. 400, 411 (1983); *Allied Structural Steel Co. v. Spannaus*, 438 U.S. 234, 244 (1978). “This inquiry has three components: whether there is a contractual relationship, whether a change in law impairs that contractual relationship, and whether the impairment is substantial.” *General Motors Corp. v. Romein*, \_\_\_\_\_ U.S. \_\_\_\_\_, \_\_\_\_\_, 112 S. Ct. 1105, 1109 (1992).

There appears to be no question that a contract exists between the State and certain classified employees. The CBA referenced in question one was made and entered into by the State and the State Employees’ Association of New Hampshire, Inc., SEIU Local 1984 AFL-CIO, CLC, which is described in section 1.1 of the CBA as the exclusive representative of “all classified employees in the bargaining unit with the exception of those classified employees excluded from the definition of public employee under the provisions of RSA 273-A:1, IX,” and its preamble declares that the parties intend to be bound by its provisions. See generally RSA 273-A:9 (authorizing negotiation of terms and conditions of employment between State and bargaining units representing State employees). The main dispute instead centers around the issue of impairment: the memoranda of the speaker of the house of representatives

(the speaker) and the attorney general both contend that the bill would not actually affect the terms of the CBA.

More specifically, the speaker and the attorney general argue first that no part of the CBA is altered by the furlough requirement, because the CBA does not guarantee a minimum amount of work for the covered employee. Rather, they contend, it only guarantees rates of pay. We disagree. The preamble and section 6.1 of the CBA state:

"In consideration of the mutual covenants herein set forth, the parties hereto intending to be bound hereby, agree as follows: . . . The basic workweek for every full-time clerical, supervisory and professional employee in the state classified service in each unit, with due allowance for authorized holidays and leaves of absence with pay shall be thirty-seven and one half (37 1/2) hours per week."

(Emphasis added). Similar provisions for full-time trade, custodial, and law enforcement workers are contained in subsections 6.1.1 and 6.1.2, and while the CBA provides for overtime pay in certain circumstances, it does not contemplate less pay. We find no room in the plain language quoted above for the arguments proffered by the speaker and the attorney general.

The speaker and the attorney general next contend that forced unpaid leave is allowable under the CBA as a management prerogative and that consequently the provisions of the bill do not affect the CBA's terms. Again, however, the language of the CBA contradicts this argument. Section 2.1 states: "The Employer retains all rights to manage, direct and control its operations in all particulars, subject to the provisions of law, personnel regulations and the provisions of this Agreement, to the extent that they are applicable." (Emphasis added.) This section unambiguously allows the exercise of "management prerogative" only where doing so does not violate the terms of the CBA. Thus, the State cannot draw independent authority from section 2.1 to usurp the guarantee of minimum work week granted in section 6.1.

The attorney general's reliance on Appeal of International Association of Firefighters, AFL-CIO, 123 N.H. 404, 462 A.2d 98 (1983), to support its "managerial prerogative" argument is misplaced. That case simply held that under RSA 273-A:1, XI, which defines "managerial policy within the exclusive prerogative of the public employer," personnel staffing is not a mandatory subject of collective bargaining. *Id.* at 408, 462 A.2d at 101. It did not condone a decrease in staffing during the effective term of a contract, as the attorney general apparently argues. In fact, the procedural history of the case reveals that before the parties' contract expired, the city-employer limited the employees' vacation choices, decreased the number of firefighters in certain platoons, and required other employees to work "straight time" as "untrained" firefighters. In an unappealed decision, the arbitrator below found that "most of the newly implemented practices violated the working agreement" between the parties. *Id.* at 406, 462 A. 2d at 99.

The speaker and the attorney general also cite the CBA's "emergency" provisions in defense of the bill. Subsection 2.1.6 allows the State to take "whatever actions may be necessary to carry out the mission of the department in situations of emergency, the determination of such situations to be the prerogative of the [State]." (Emphasis added.) Even assuming that the current fiscal predicament is an emergency and that forcing State workers to take unpaid leave is necessary to carry out the mission of a department, we still cannot accept the speaker's and attorney general's argument. Subsection 2.1.6's "emergency" provision is a portion of section 2.1, defining "managerial prerogatives." As explained above, the State may not exercise this prerogative if in doing so it violates any provision of the CBA.



The attorney general next contends that because the CBA does not mention forced unpaid leave, this silence must be construed against the employees. Even the case the attorney general cites in support of this argument, however, *Fertilizing Co. v. Hyde Park*, 97 U.S. 659 (1878), states that “[n]othing is to be taken as conceded but what is given in unmistakable terms, or by an implication equally clear.” *Id.* at 666 (Emphasis added). The CBA plainly guarantees a work week of a certain length, with allowances made only for holidays and paid leave. Forcing workers to take unpaid leave just as plainly violates the contract. If we were to condone such a violation merely because the issue of mandatory furloughs is not explicitly discussed in the CBA, then we would also have to allow the State unilaterally to cancel accrued sick leave or reduce rates of pay, as neither of these practices are specifically forbidden by the contract.

Finally, the attorney general maintains in its memorandum that “[t]he CBA does not create an employment contract for state employees for any definite period of time [and therefore] ... state employees do not have a vested right in future wages for future services for which the State has decided not to pay.” To answer this argument, we simply point to the title page of the CBA, which reads “1989 - 1991,” and section 21.1, which states: “This Agreement as executed by the Parties is effective July 1, 1989 and shall remain in full force and effect through June 30, 1991 or until such time as a new Agreement is executed.” The attorney general has not offered an explanation why this language should be ignored, and we can discern none.

Having found that the bill impairs the CBA, we next ask whether the impairment is substantial. See *General Motors Corp. v. Romein*, \_\_\_\_\_ U.S. at \_\_\_\_\_, 112 S. Ct. at 1109.

“The severity of an impairment of contractual obligations can be measured by the factors that reflect the high value the Framers placed on the protection of private contracts. Contracts enable individuals to order their personal and business affairs according to their particular needs and interests. Once arranged, those rights and obligations are binding under the law, and the parties are entitled to rely on them.”

*Allied Structural Steel Co. v. Spannaus*, 438 U.S. at 245; cf. *Home Bldg. & L. Assn. v. Blaisdell*, 290 U.S. 398, 427-28 (1934) (instability of affairs resulting from laws impairing contracts motivated inclusion of contract clause in Federal Constitution); *Ogden v. Saunders*, 25 U.S. (12 Wheat.) 212, 354-55 (1827) (Marshall, C.J., dissenting) (same). In a recent case involving a new York lag payroll law, the Second Circuit Court of Appeals explained its finding of substantial contract impairment:

“The affected employees have surely relied on full paychecks to pay for such essentials as food and housing. Many have undoubtedly committed themselves to personal long-term obligations such as mortgages, credit cards, car payments, and the like — obligations which might go unpaid in the months that the [law] has its immediate impact.”

*Ass’n of Surrogates v. State of N.Y.*, 940 F.2d 766, 772 (2d Cir. 1991) (holding lag payroll law unconstitutional as violative of the federal contract clause); see also *State v. Vashaw*, 113 N.H. 636, 637-38, 312 A.2d 692, 693 (1973) (“The underlying policy of this prohibition is to prevent the legislature from interfering with the expectations of persons as to the legal significance of their actions taken prior to the enactment of a law.”). The bill under consideration here impairs the very heart of an employment contract: the promise of certain work for certain income. Its impact would likely wreak havoc on the finances of many of the affected workers and can only be considered substantial.



Because the bill substantially impairs the contract between the State and certain classified employees, it violates the literal terms of the contract clauses of the State and Federal Constitutions. Nevertheless, "it is to be accepted as a commonplace that the Contract Clause does not operate to obliterate the police power of the States." *Allied Structural Steel Co. v. Spannaus*, 438 U.S. at 241; see also *Manigault vs. Springs*, 199 U.S. 473, 480 (1905). "If the Contract Clause is to retain any meaning at all, however, it must be understood to impose some limits upon the power of a State to abridge existing contractual relationships, even in the exercise of its otherwise legitimate police power." *Allied Structural Steel Co. v. Spannaus*, 438 U.S. at 242. Thus, a balancing of the police power and the rights protected by the contract clauses must be performed, and a bill or law which substantially impairs a contractual obligation may pass constitutional muster only if it is "reasonable and necessary to serve an important public purpose." *United States Trust Co. v. New Jersey*, 431 U.S. at 25.

"Unless the State itself is a contracting party, . . . '[a]s is customary in reviewing economic and social regulation, . . . courts properly defer to legislative judgment as to the necessity and reasonableness of a particular measure.'" *Energy Reserves Group v. Kansas Power & Light*, 459 U.S. at 412-13 (quoting *United States Trust Co. v. New Jersey*, 431 U.S. at 22-23). But where the State attempts to abridge its own contract,

"complete deference to a legislative assessment of reasonableness and necessity is not appropriate because the State's self-interest is at stake. A governmental entity can always find a use for extra money, especially when taxes do not have to be raised. If a State can reduce its financial obligations whenever it wanted to spend the money for what it regarded as an important public purpose, the Contract Clause would provide no protection at all."

*United States Trust Co. v. New Jersey*, 431 U.S. at 26; see also *Energy Reserves Group v. Kansas Power & Light*, 459 U.S. at 412 n.14 ("When a State itself enters into a contract, it cannot simply walk away from its financial obligations. In almost every case, the Court has held a governmental unit to its contractual obligations when it enters financial or other markets.").

The speaker contends in his memorandum that "the public interest in achieving fiscal stability and a desire on the part of the Legislature to do so at the least cost to the operation of state government and its employees constitutes a sufficient public interest to justify any potential impairment of a contract." The attorney general makes a similar argument. A State, however, "cannot refuse to meet its legitimate financial obligations simply because it would prefer to spend the money to promote the public good rather than the private welfare of its creditors." *United States Trust Co. v. New Jersey*, 431 U.S. at 29. As the Washington Supreme Court stated:

"Financial necessity, though superficially compelling, has never been sufficient of itself to permit states to abrogate contracts. '[A] State is not completely free to consider impairing the obligations of its own contracts on a par with other policy alternatives.' . . . If governments could reduce their financial obligations whenever an important public purpose could be conceived for repudiating a contract 'the Contract Clause would provide no protection at all.'"

*Carlstrom v. State*, 103 Wash. 2d 391, 396, 694 P.2d 1, 5 (1985) (quoting *United States Trust Co. v. New Jersey*, 431 U.S. at 26, 30-31). "The contract clause, if it is to mean anything, must prohibit [the State] from dishonoring its existing contractual obligations when other policy alternatives are available." *Ass'n of Surrogates v. State of N.Y.*, 940 F.2d at 774.

Based on the ample authority cited above, we find the bill neither reasonable nor necessary to serve an important public purpose. See *United States Trust Co., v. New Jersey*, 431 U.S. at 25. The legislature has many alternatives available to it, including reducing non-contractual State services and raising taxes and fees. Although neither of these choices may be as politically feasible as the furlough program, the State cannot resort to contract violations to solve its financial problems. Professor Tribe explains:

"For its own purposes, a government may find it convenient, sometimes indeed imperative, to signal its trustworthiness and thus to induce the sort of reliance that it could instead have spurned. When government makes that choice, a powerful argument may be advanced that the most basic purposes of the impairment clause, as well as notions of fairness that transcend the clause itself, point to a simple constitutional principle: government must keep its word."

L. Tribe, *American Constitutional Law* 470 (1978) (emphasis in the original) (footnote omitted).

We next turn to question two, which asks whether the bill "affects the terms of appointment currently in effect between the state and unclassified state employees and, if so, whether its effect is to violate the contract clause of the United States Constitution, Art. 1, Sec. 10 or the New Hampshire Constitution, Pt. 1, Art. 23?" As a preliminary matter, we note that while the bill extends its scope to "classified, unclassified, [and] nonclassified" workers, the request of the house of representatives refers only to "classified" and "unclassified" employees. Neither "unclassified" nor "nonclassified" is defined anywhere in the bill, the request of the house of representatives, or our State statutes. Cf. RSA 94:1-a, III, IV (Supp. 1991) (apparently referring to State officers listed in RSA 94:1-a, I as "unclassified" employees); RSA 21-I:49 (Supp. 1991) (defining "classified service" in terms of those exempt from the service, making no distinction between "unclassified" and "nonclassified" employees). For purposes of this question then, we assume the house of representatives uses the term "unclassified" to mean State workers who are not "classified"; in other words, the exempted employees listed in RSA 21-I:49 (Supp. 1991).

The phrase "terms of appointment" in question two presents another interpretative problem. By asking whether the bill affects "unclassified" employees' "terms of appointment," the house of representatives appears to have further narrowed the scope of its question to those "unclassified" employees who are appointed to their positions; that is, State officials or officers. See N.H. CONST. pt. II, art 5 (granting legislature power "to name and settle" . . . "all civil officers" except those named and settled pursuant to other articles of constitution); N.H. CONST. pt. II, art. 46 (granting governor and council power to appoint "[a]ll judicial officers, the attorney general, and all officers of the navy, and general and field officers of the militia"). We therefore confine our discussion to the bill's impact on the rights of State officials or officers under the contract clauses of the State and Federal Constitutions. Precisely who is a "State official or officer" is not before us and we do not attempt to answer this question here. Cf. RSA 94:1-a, I (Supp. 1991) (listing over 150 State officers and each officer's compensation, but not purporting to provide exhaustive list of State officers; justices and their salaries not named); RSA 491-A:1 (Supp. 1991) (specifying judicial salaries).

RSA 4:1 provides in part:

"No state official who is not a classified employee shall be discharged or removed except for malfesance, misfeasance, inefficiency in office, incapacity or unfitness to

perform his duties, or for the good of the department, agency or institution to which he is assigned, according to the procedures set out in this section, unless otherwise provided by law.”

See also N.H. CONST. pt. II, art. 73 (providing that commissioned officers may be removed by governor and council only for reasonable cause and upon address of both houses of legislature); cf. N.H. CONST. pt. II, art 59 (“Permanent and honorable salaries shall be established by law, for the justices of the superior court [and the supreme court].”). We interpreted this statute in *King v. Thomson*, 119 N.H. 219, 400 A.2d 1169 (1979), as granting State officials a continuing property interest in their employment. *Id.* at 221, 400 A.2d at 1171. Thus, an official appointed while RSA 4:1 remains effective is entitled to rely on the rights conferred by that statute and may not be discharged or removed except in accordance with its strictures. See *Blake v. State*, 115 N.H. 431, 434, 343 A.2d 223, 225 (1975); compare *King v. Thomson*, 119 N.H. at 221, 400 A.2d at 1171 (RSA 4:1 confers protected property right on State officials) with *Dodge v. Board of Education*, 302 U.S. 74, 78-79 (1937) (where law merely fixes salaries of officers, no contract is created and compensation named may be altered at will of legislature).

As the power to furlough State officials is the power to remove them from their positions piecemeal, we conclude that the bill violates RSA 4:1. It thus impairs vested rights and affects the terms of appointment between the State and State officials. See *King v. Thomson*, 119 N.H. at 221, 400 A.2d at 1171; cf. *Jeannot v. N.H. Personnel Comm’n*, 118 N.H. 597, 601-02, 392 A.2d 1193, 1196 (1978) (employee benefits become vested at time one becomes a permanent State employee or continues in such employment; relating to classified employees); see also *Society v. Wheeler*, 22 F. Cas. at 767; *Petition of Public Serv. Co. of N.H.*, 130 N.H. 265, 280, 539 A.2d 263, 271-72 (1988); *Clark v. Clark*, 10 N.H. 380, 386 (1839). These vested rights are equivalent to contractual obligations owed by the State. See *United States Trust Co. v. New Jersey*, 431 U.S. at 17 n.14; *Dartmouth College v. Woodward*, 17 U.S. (4 Wheat.) 518, 629 (1819) (“contracts” within protection of article I, section 10 are “those which respect property, or some object of value, and confer rights which may be asserted in a court of justice”). Consequently, we find that the bill impairs State officials’ contractual rights, just as it impairs the CBA. As explained above in our discussion of question one, this impairment is substantial and violates the contract clauses of the Federal and State Constitutions.

Questions three, four and five all ask whether the bill would establish an ex post facto law in violation of part I, article 23 of the New Hampshire Constitution and article I, section 10 of the United States Constitution. The ex post facto clauses of these Constitutions pertain only to criminal cases, not civil cases, and thus inapplicable here. See *Calder v. Bull*, 3 U.S. (3 Dall.) 386, 396 (1798); *Society v. Wheeler*, 22 F. Cas. at 767; *Opinion of the Justices*, 131 N.H. 573, 582, 558 A.2d 454, 459 (1989); *Woart v. Winnick*, 3 N.H. at 474-75.

Questions six and seven each ask whether the bill violates the equal protection provisions of the State and Federal Constitutions. Our answers to questions one and two establish that the bill, if enacted into law, would be unconstitutional. As our response to an equal protection inquiry could not alter this conclusion, we respectfully request that we be excused from answering questions six and seven.

We make no further observation. The speaker in his April 14, 1992 memorandum argues that “. . . it is important to note the distinction between action taken by the executive branch and that taken by the legislative branch [under RSA 273-A].” Al-

though for purposes of this opinion we assume that Sec. 21.1 of the CBA was approved by the legislature, on the record available to us in rendering this Opinion of the Justices, we cannot decide factual issues related to the legislature's approval of cost items in the CBA. Therefore, our opinion is limited by the above assumption.

David A. Brock, William F. Batchelder, William R. Johnson, W. Stephen Thayer, III and Sherman D. Horton, Jr.

John P. Arnold, attorney general (Daniel J. Mullen, assistant attorney general, on the memorandum), filed a memorandum in support of negative answers to the questions presented.

The Speaker of the House of Representatives, Harold W. Burns, by the House Legal Counsel, Loretta S. Platt, filed a memorandum in support of negative answers to the questions presented.

Cook & Molan, P.A., of Manchester (Richard E. Molan & a.), on behalf of the State Employees' Association of New Hampshire, Inc., Local 1984, SEIU, AFL-CIO, CLC, and Carol R. Golubock, of Washington, D.C., on behalf of Service Employees International Union, AFL-CIO, CLC, filed a joint memorandum in support of affirmative answers to questions 1, 3, and 5-7.

Douglas & Douglas of Concord (Charles G. Douglas, III), filed a memorandum on behalf of the Association of Unclassified Employees in support of an affirmative answer to question 2.

James F. Allmendinger, of Concord, filed a memorandum on behalf of NEA-New Hampshire in support of an affirmative answer to question 1.

#### REMOVED FROM THE TABLE

Reps. Gross and Chambers moved that **HB 1058-FN**, relative to a furlough program for state employees, be removed from the table. (Pending question: Ordering to third reading)

Adopted.

#### MOTION

Reps. Gross and Chambers moved that **HB 1058-FN**, relative to a furlough program for state employees be Inexpedient to Legislate.

Rep. Gross spoke in favor.

Adopted.

#### GOVERNOR'S VETO MESSAGE ON HB 1026

June 3, 1992

To The Honorable Members of the General Court:

I have this day vetoed **HB 1026**, an act relative to a companion bill to the Supplemental Budget.

I have vetoed this bill because:

- 1) We should not spend money we do not have;
- 2) We should not be expanding the debt which are passing on to our children;
- 3) We should not be passing a bill which is constitutionally suspect.

In terms of philosophical issues, **HB 1026**, which is entitled "an act relative to a Companion Bill to the Supplemental Budget", is intended to deal with statutory revisions necessary to implement the Budget Act. The bill, in fact, contains a myriad of unrelated items, some of which had policy hearings and some did not and some that were previously rejected by one House or the other.

House Bill 1026 contains 66 separate sections of which 36 sections amend, modify or create statutory law; 15 sections amend or appropriate capital items; and 7 sections



amend or appropriate regular budget items. This bill has, therefore, become a second Supplemental Budget bill without proper public hearings, and as such, may not be in compliance with Article 18-a, Part II of the Constitution which states in part that: "No section or footnote of any such budget bill shall contain any provision which establishes, amends or repeals statutory law....."

The HB 1026 approach to government defeats the long-standing practice of policy committees considering individual subjects on their overall policy implications, and the opportunity for both Houses to consider the issues in a reasonably clear and uncluttered document.

In terms of substance, while there are several desirable items in this bill, none are of such magnitude that state government will be negatively impacted during the remainder of this year. All items can be dealt with in the next legislative session, if necessary—including clarifications to the debt limits since any state borrowing can wait until next spring as outlined to you by the State Treasurer.

New and expanded capital projects should not be considered at this time since hearings on the 1994095 Capital Budget are already scheduled to begin on June 11. It is essential that the entire range of capital needs be considered in total so that we can know exactly what commitments fit within overall state priorities and, equally important, the total debt service requirements that will be required in future years.

HB 1026 must be rejected on fiscal grounds if nothing else. This bill includes \$10.4 million of new bonding authority. Traditionally, the Legislature has tried to limit bonding as it represents bills passed on to our children and it seems inconsistent with this policy to add this new bonding expense. This is especially true in light of this fact that the capital budgeting process is now going forward and passage of this bill would have the practical effect of piecemealing and undermining that process.

The bill further has \$3.348 million of new operating appropriations, including betterments, and expense which will aggravate our already tight fiscal situation.

In these tough times taxpayers expect us to be cautious when spending their money. This bill does not meet that obligation. We cannot afford this level of new and expanded spending.

Judd Gregg, Governor

The Chair requested a quorum count and 326 members having answered the call, a quorum was declared present.

Reps. Warburton, Welch, Richard Hill, Francis Riley and Domaingue spoke against.

Reps. Donna Sytek, Chambers and Gross spoke in favor.

The question being, notwithstanding the Governor's veto, shall **HB 1026**, relative to a companion bill to the supplemental budget, pass.

As required by the Constitution, a roll call was taken.

**YEAS 247**

**NAYS 100**

**YEAS 247  
BELKNAP**

Bartlett, Gordon E.  
Hawkins, Robert S.  
Maviglio, Steven R.  
Shibley, Arnold P.  
Ziegra, Alice S.

Cain, Thomas G.  
Holbrook, Robert G.  
Rosen, Ralph J.  
Turner, Robert H.

Campbell, Richard H., Jr.  
Joscelyn, William W.  
Salatiello, Thomas B.  
Vogler, Charles C.

**CARROLL**

Chandler, Gene G.  
Saunders, Howard N.

Dickinson, Howard C.

Foster, Robert W.

**CHESHIRE**

Burnham, Daniel M.  
Cole, Stacey W.  
Foster, Katherine D.  
LaMar, David M.  
Pearson, Gertrude B.  
Sawyer, Alfred P.

Clark, Eugene W.  
DePecol, Benjamin J.  
Grodin, Richard A.  
Lynch, Margaret A.  
Perry, David M.

Cole, Kenneth A.  
Doucette, Richard F.  
Kingsbury, H. Thayer  
Mohr, Frederick C., Jr.  
Pratt, Irene A.

**COOS**

Buckley, C. Fitzgerald  
Hawkinson, Marie C.  
Mayhew, Josephine  
Oliver, Terry D.

Coulombe, Henry W.  
Horton, Lynn C.  
Merrill, Gerald P.  
Pratt, Leighton C.

Guay, Lawrence J.  
Marsh, Beaton  
Nelson, Harold D.  
Therault, Romeo J.

**GRAFTON**

Adams, Carl S.  
Brown, Channing T.  
Copenhaver, Marion L.  
LaMott, Paul I.  
Nordgren, Sharon L.  
Teschner, Douglass P.  
White, Paul R.

Arnesen, Deborah L.  
Brown, Patricia B.  
Driscoll, William J.  
Larson, Nils H., Jr.  
Scanlan, David M.  
Trelfa, Richard T.

Bean, Pamela B.  
Chambers, Mary P.  
Guest, Robert H.  
McIlwaine, Deborah P.  
Stewart, Roger D.  
Wadsworth, Karen O.

**HILLSBOROUGH**

Ackerman, Philip M.  
Asselin, Robert P.  
Baroody, Benjamin C.  
Chasse, Richard D.  
Cowenhoven, Garret P.  
Desrosiers, William J.  
Durham, Susan B.  
Elliott, Larry G.  
Fields, Dennis H.  
Gosselin, Gerald O.  
Hanselman, Gregory L.  
Jasper, Shawn N.  
Keane, Cornelius J.  
Kurk, Neal M.  
Laughlin, J. Francis  
Martin, Mary Ellen  
McDowell, James E.  
Mercer, Robert S.  
Murphy, Robert E.  
Packard, Bonnie B.  
Reidy, Frank J.  
Searles, Stanley N., Sr.  
Soucy, Richard A.  
Wheeler, Robert L.

Ahrens, Frederick G.  
Baker, George H., Sr.  
Buckley, Raymond  
Clemons, Jane A.  
Crotty, Edward J.  
Drabinowicz, A. Theresa  
Dwyer, Patricia R.  
Emerton, Lawrence A.  
Ford, Nancy M.  
Gureckis, Adam C., Sr.  
Healy, Walter F.  
Jean, Claudette R.  
Kelley, Robert N.  
Lachut, Ervin R.  
Leclerc, Charles J.  
Mason, Howard F.  
McNerney, Daniel P.  
Messier, Irene M.  
Nardi, Theodora P.  
Peters, Stanley W.  
Robinson, Ellen-Ann  
Smith, Leonard A.  
Tate, Joan C.  
White, John M.

Alukonis, David J.  
Baldizar, Barbara J.  
Burke, Stephen J.  
Cote, David E.  
Daigle, Robert A.  
Drolet, Paul L.  
Dyer, Merton S.  
Ferguson, Charles  
Gage, Ruth E.  
Haettenschwiller, Alphonse  
Janas, Gregory  
Johnson, Lionel W.  
King, Frank P.  
Larochelle, Roger B.  
Lown, Elizabeth D.  
McCann, Bonnie Lou  
McRae, Karen K.  
Moore, Elizabeth A.  
O'Rourke, Joanne A.  
Record, Alice B.  
Rodgers, G. Philip  
Soucy, Donna M.  
Turgeon, Roland M.

**MERRIMACK**

Apple, Lowell D.  
 Chandler, John P.  
 Fillion, Paul R.  
 Hager, Elizabeth S.  
 Hill, Michael J.  
 Johnson, Joyce M.  
 Lewis, Mary Ann  
 Stio, Peter M.  
 Wallner, Mary Jane

Boucher, Laurent J.  
 Daneault, Gabriel J.  
 Gilbreth, Robert M.  
 Hall, Douglas E.  
 Holmes, Mary C.  
 Kidder, William F.  
 Lockwood, Robert A.  
 Teague, Bert  
 Weeks, John F., Jr.

Carter, Susan D.  
 Dunn, Miriam D.  
 Gross, Caroline L.  
 Hayes, Robert C.  
 Johnson, C. William  
 Letourneau, George E.  
 Soldati, Jennifer G.  
 Trombly, Rick A.  
 Yeaton, Charles B.

**ROCKINGHAM**

Barnes, John S., Jr.  
 Campbell, Marilyn R.  
 Conroy, Janet M.  
 Dowd, Sandra K.  
 Felch, Charles H., Sr.  
 Gage, Beverly A.  
 Hoelzel, Kathleen M.  
 Kane, Cecelia D.  
 Klemm, Arthur P., Jr.  
 Magoon, Harold F.  
 Packard, Sherman A.  
 Schanda, Joseph, Sr.  
 Skinner, Patricia M.  
 Sytek, John J.  
 Vaughn, Charles L.

Bell, Juanita L.  
 Caswell, Albert, Jr.  
 Cote, Patricia L.  
 Dowling, Patricia A.  
 Flanders, Harry E.  
 Greene, Elizabeth A.  
 Hurst, Sharleene P.  
 Katsakiores, George N.  
 MacDonald, Joseph A.  
 McCain, William F.  
 Palazzo, Frank J.  
 Senter, Merilyn P.  
 Syracuse, Anthony  
 Thayer, Leroy C.  
 Wells, Henry E.

Benton, Richardson D.  
 Clark, Martha Fuller  
 DiPietro, Carmela M.  
 Drake, Herbert R.  
 Flanders, John W., Sr.  
 Haynes, Richard  
 Johnson, Robert A.  
 Katsakiores, Phyllis  
 MacKinnon, Nancy W.  
 McGovern, Cynthia A.  
 Rosencrantz, James R.  
 Simon, Peter M.  
 Sytek, Donna P.  
 Tufts, Arthur  
 Woods, Deborah L.

**STRAFFORD**

Appleby, James E.  
 Corte, Arthur B.  
 Gilmore, Gary R.  
 Jankowski, Peter M.  
 Kinney, Paula J.  
 McCann, William H., Jr.  
 Nehring, William H.  
 Parks, Joe B.  
 Sullivan, Henry P.  
 Vincent, Francis C.  
 Young, John B.

Bickford, Drucilla  
 Flynn, Edward J.  
 Hambrick, Patricia A.  
 Keans, Sandra B.  
 Knowles, William V.  
 Merrill, Amanda A.  
 O'Brien, John  
 Pelley, Janet R.  
 Torr, Ann M.  
 Wall, Janet G.

Brown, Julie M.  
 Foss, Patricia H.  
 Hashem, Elaine M.  
 Kincaid, William K.  
 Martling, W. Kent  
 Musler, George T.  
 Pageotte, Donald P.  
 Spencer, Leo J.  
 Tsiros, William  
 Wheeler, Katherine W.

**SULLIVAN**

Allison, David C.  
 Krueger, Richard H.  
 Porter, Robert H.

Behrens, Thomas A.  
 Lindblade, Eric N.  
 Rodeschin, Beverly T.

Burling, Peter Hoe  
 Peyron, Fredrik  
 Schotanus, Merle W.

### NAYS 100 BELKNAP

Accornero, Harry  
Johnson, Carl R.

Dewhirst, Glenn E.  
Rice, Thomas E. P., Jr.

Golden, Paul A.  
Zaharchuk, Peter J., Jr.

### CARROLL

Allard, Nanci A.  
Daly, Robert J., Jr.  
Wiggin, Gordon E.

Beach, Mildred A.  
Dodge, A. Gibb, Jr.

Bradley, Jeb E.  
Jean, Robert R.

### CHESHIRE

Champagne, Richard L.  
Hunt, John B.

Feuer, Joseph N.  
Laurent, John J.

Hogan, James B.

### COOS

Brungot, Catherine V.

### GRAFTON

Christy, C. Dana  
Shackett, Ralph E.

Dow, David

Hill, Richard L.

### HILLSBOROUGH

Andrews, Frederick B.  
Calawa, Leon, Jr.  
Daniels, Gary L.  
Domaingue, Jacquelyn M.  
Ferlan, Arthur P.  
Green, Scott E.  
Healy, Daniel J.  
L'Heureux, Robert J.  
Lefebvre, Roland J.  
Paquette, Rodolphe G.  
Riley, Frances L.  
Steiner, Lee Anne  
Upton, Barbara A.  
Wright, George W.

Arnold, Barbara E.  
Carpenter, Karen A.  
Desrochers, Gerard T.  
Donovan, Francis X.  
Gagnon, Eugene L.  
Greenglass, Alan B.  
Hultgren, David D.  
Lawrence, Eva M.  
Lozeau, Donnalee M.  
Pepino, Leo P.  
Rothhaus, Finlay C.  
Stiles, Walter A.  
Vanderlosk, Stanley R.

Bowers, Dorothy C.  
Cook, Valerie S.  
Dodge, Emma M.  
Fenton, James J.  
Goulet, Maurice E.  
Hall, Betty B.  
Kelley, Dana F.  
Lawrence, Norman B.  
Ouellette, Robert O.  
Rheault, Lillian I.  
Sallada, Roland A.  
Tarpley-Bamberger, Nancy L.  
Wheeler, David K.

### MERRIMACK

Anderson, Eleanor M.  
Millard, Elizabeth S.  
Stapleton, Henry F.

Barberia, Richard A.  
Nichols, Avis B.  
Whittemore, James A.

Christie, Thomas J.  
Smith, Gerald R.

### ROCKINGHAM

Boucher, William P.  
Christie, Andrew, Jr.  
Dube, LeRoy S.  
Hoar, John, Jr.  
McKinney, Betsy  
Raynowska, Bernard J.  
Seward, Russell G.  
Welch, David A.

Buco, Stephen W.  
Chulack, Peter G., Sr.  
Flanagan, Natalie S.  
Hutchinson, Karen K.  
Melnick, Roy E.  
Rubin, George R.  
Smith, Arthur W.  
Weyler, Kenneth L.

Chase, Lawrence A., Jr.  
Connell, David R.  
Flanders, David A.  
Klemarczyk, Thaddeus E.  
Parr, Ednapearl F.  
Schmidtchen, Rowland H.  
Warburton, Calvin



**STRAFFORD**

Douglass, Clyde J.  
Torr, Ralph W.

Frechette, Roland A.

Marston, Robert E.

**SULLIVAN**

Domini, Irene C.

Flint, Gordon B.

and the veto was overridden by the necessary two-thirds.

**SUSPENSION OF RULES**

Reps. Gross and Chambers moved that the rules be so far suspended as to permit consideration at the present time of **HB 1504-L**, providing for the election of delegates to a constitutional convention.

Rep. Gross spoke in favor.

Adopted by the necessary two-thirds.

**RESOLUTION**

Rep. Gross offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bill number 1504-L, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committee.

Adopted.

**INTRODUCTION OF HOUSE BILL****First, second reading and referral**

**HB 1504-L**, providing for the election of delegates to a constitutional convention. (Flanagan of Rockingham Dist. 8; M. Hill of Merrimack Dist. 14; Holden of Hillsborough Dist. 9; Gilmore of Strafford Dist. 7; Kingsbury of Cheshire Dist. 14; Bass of Dist. 11; Russman of Dist. 19; J. King of Dist. 18; Hollingworth of Dist. 23; Roberge of Dist. 9 - To Constitutional and Statutory Revision)

**MOTION**

Reps. Gross and Chambers moved that **HB 1504-L**, providing for the election of delegates to a constitutional convention, be ordered to third reading.

Adopted.

**LAIID ON THE TABLE**

Reps. Gross and Chambers moved that **HB 1504-L**, providing for the election of delegates to a constitutional convention, be laid on the table. (Pending question: third reading and final passage)

Adopted.

Reps. Flanagan and Trombly offered the following:

**HOUSE RESOLUTION NO. 75**

requesting an opinion of the justices concerning the  
constitutionality of **HB 1504-LOCAL**.

Whereas, pursuant to Part II, Article 100 of the New Hampshire Constitution, there will be submitted to the qualified voters at the November general election in 1992 the question: "Shall there be a convention to amend or revise the constitution?"; and

Whereas, there is pending in the New Hampshire house of representatives, **HB 1504-LOCAL**, "An Act providing for the election of delegates to a constitutional convention"; and

Whereas, as a result of the adoption of annual legislative sessions pursuant to a constitutional amendment adopted in 1984, scheduling must be carefully done to

allow for the use of representatives hall by the house of representatives and the constitutional convention which also uses the hall for its proceedings; and

Whereas, advance planning of the date to be set for election of delegates to the constitutional convention and of the date set for convening the convention are necessary in order to hold the number of special elections to a minimum and in order to set the date for convening the convention sufficiently in advance of the next biennial November election (RSA 667) to permit the orderly submission of any constitutional amendments proposed by the convention to the qualified voters at such election as required in Part II, Article 100, subparagraph (c); and

Whereas, in spite of the advance planning, some municipalities may be required to hold a special election for delegates if the vote of the citizens of the state is in favor of holding a constitutional convention; and

Whereas, certain costs may be incurred as a result of holding such special elections; now, therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Would an affirmative vote by a majority of the qualified voters voting on the question of holding a constitutional convention pursuant to Part II, Article 100 of the New Hampshire Constitution which might require the holding of special elections constitute a "new, expanded or modified program or responsibility" as set forth in Part I, Article 28-a of the New Hampshire Constitution?

2. If the answer to question 1 of this resolution is in the affirmative, would an affirmative vote by the majority of the qualified voters voting on the question of holding a constitutional convention pursuant to Part II, Article 100 of the New Hampshire Constitution satisfy the requirement set forth in Part I, Article 28-a that any costs imposed as a result of such programs or responsibilities be "approved for funding by a vote of the local legislative body of the political subdivision"?

That the clerk of the house of representatives transmit copies of this resolution and HB 1504-LOCAL to the justices of the New Hampshire Supreme Court.

Adopted.

### **MOTION TO DISPOSE OF OUTSTANDING HOUSE BILLS**

Reps. Gross and Chambers moved that those bills which were not reported by Committees of Conference (HB 1129, HB 1314, HB 1408 and HB 1466); and CACR 20, which did not receive the required 60 percent vote to pass; and HB 1478, on which the House did not adopt the conference report, be found Inexpedient to Legislate.

Rep. Gross spoke in favor.

Adopted.

### **RESOLUTION**

Rep. Gross offered the following: **RESOLVED.** that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today it be to meet at the call of the Chair.

Adopted.

Rep. Trombly yielded to a question on the ethics guidelines.

### **UNANIMOUS CONSENT**

Reps. Foss and McDowell addressed the House by unanimous consent.

**UNANIMOUS CONSENT**

Rep. Benton addressed the House by unanimous consent.

**A FAREWELL MESSAGE FROM THE GREAT MEN ON THE WALL**

To Reps. Elizabeth Green, Ednapearl Parr and others

For many years now we've looked down on this hall, and we've come to admire all who here dwell, the time grows short till the final gavel, we are sad that this means farewell.

Some of you come and remain a short time, while others we've been friends with for long, the Reps. and the Dems. and the newly formed Libs., may you all return to this hall.

We will miss you all, this is for sure, even those who loud and long orate, for we know that you all have one thing in common, devotion and love for the Granite State.

To greet you, and those who follow, here we remain evermore, we'll continue in silence to listen and watch, the actions of our friends down on the floor.

When you've pressed the green button and stand adjourned, and you're making your last farewells, glance up at us for one last time, our lips are still, but our eyes say to you all, Godspeed friends, may your future be bright, from your admirers high on the wall.

**SENATE MESSAGE****CONCURRENCE**

**HB 1503**, relative to voting in certain wards in the city of Concord.

**ENROLLED BILLS REPORT**

**HB 1503**, relative to voting in certain wards in the city of Concord.

Sen. Currier, Rep. Dunn for the Committee

Rep. Gross moved that the House adjourn to the call of the Chair.

Adopted.

The House adjourned at 2:45 p.m.

**STATUTORY APPOINTMENTS - 1992****HB 505 (Chapter 181:4, Laws of 1992) FOREST PROTECTION MANAGEMENT STUDY**

Reps. Stacey W. Cole and Merle W. Schotanus (Appropriations) appointed by the Speaker.

Sen. Wayne D. King appointed by the President.

Rep. Mary Ellen Martin (Resources, Recreation, and Development) appointed by the Speaker

John E. Sargent, Director, Division of Forest and Lands.

Charles R. Niebling (Chmn.), appointed by the New Hampshire Timberland Owners Association.

Tammara Van Ryn, appointed by the Society for the Protection of New Hampshire Forests.

Ron Klemarczyk, appointed by the Granite State Division of the Society of American Foresters.

Marjory M. Swope, appointed by the New Hampshire Association of Conservation Commissions.

James A. McSweeney, appointed by the New Hampshire Municipal Association.

James McLaughlin, representing the Office of State Planning, appointed by the Governor.

Fredrik Peyron representing the Land Conservation Investment Program, appointed by the Governor.

Dennis McKenney, appointed by the New Hampshire Consulting Foresters' Association.

Calvin Frink, appointed by the New Hampshire State Federation of Forest Fire Warden Associations.

Director of Property Appraisal Division, Dept. of Revenue Administration.

**HB 632 (Chapter 114:3, Laws of 1992) SPECIAL EDUCATION OF EDUCATIONALLY DISABLED STUDENTS DISPUTE**

Reps. Susan D. Carter and Joan C. Tate, appointed by the Speaker.

Sens. George F. Disnard and Gordon J. Humphrey, appointed by the President.

Ross Lurgio appointed by the NH School Administrators Association.

Philip C. Sweeney, appointed by the New Hampshire Association of Special Education Administrators.

Eugene G. Jalbert, M.D., appointed by the Chairman of the State Board of Education.

Ronald K. Lospennato, appointed by the Executive Director of the Disabilities Rights Center, Inc.

Charlene Mayo, appointed by the Executive Director of the Parent Information Center.

Barbara Eierman, representative of the Learning Disabilities Association, appointed by the President.

Ken Coleman, appointed by the NH School Boards Association.

One principal, appointed by the NH Principals Association.

Richard E. Mandeville, appointed by the State Advisory Council, required by the Individuals with Disabilities Education Act.



Dr. Carl Cooley, appointed by the President of the American Academy of Pediatrics, New Hampshire Chapter.

Patricia Busselle, appointed by the Commissioner of Education.

#### **HB 1000 (Chapter 1, Laws of 1992) CONSTITUTIONAL CONVENTION STUDY**

Reps. Natalie S. Flanagan (Chmn.), Michael Hill, Carol H. Holden, Gary R. Gilmore and H. Thayer Kingsbury, appointed by the Speaker.

Sens. Charles F. Bass, Richard L. Russman, John King, Beverly A. Hollingworth and Sheila Roberge, appointed by the President.

Stephen Edwards, designee of the Governor.

William Gardner, Secretary of State.

Richard F. Upton, President of the 1984 Constitutional Convention.

#### **HB 1026 (Chapter 289:58, Laws of 1992) STUDENT ASSESSMENT PROGRAM LEGISLATIVE OVERSIGHT**

Rep. Patricia M. Skinner, chairman of the House Education Committee.

Reps. Mary Jane Wallner (Appropriations) and Nils H. Larson, Jr., appointed by the Speaker.

Sen. George F. Disnard, chairman of the Senate Education Committee.

Sens. Ralph D. Hough (Finance) and John King, appointed by the President.

#### **HB 1026 (Chapter 289:59, Laws of 1992) HIGHWAY FUND SOURCES AND DISBURSEMENTS STUDY**

Rep. John P. Chandler (Chmn.), (Appropriations) appointed by the Speaker.

Rep. Garret P. Cowenhoven, (Ways and Means) appointed by the Speaker.

Rep. David J. Alukonis, (Public Works) appointed by the Speaker.

Sen. Ralph Hough, (Finance) appointed by the President.

Sen. Richard Russman, (Ways and Means) appointed by the President.

Sen. C. Jeanne Shaheen, (Capital Budget) appointed by the President.

Charles P. O'Leary, Commissioner of the Department of Transportation, non-voting member.

Charles E. Sova, appointed by the Commissioner of the Department of Safety, non-voting member.

#### **HB 1122 (Chapter 52, Laws of 1992) APPLE CIDER STANDARDS REVIEW**

Richard Uncles, appointed by the Commissioner of the Department of Agriculture.

Charles Collins, appointed by the Director of the Division of Public Health, Department of Health and Human Services.

William G. Lord, the fruit specialist at the University of New Hampshire, Cooperative Extension Program.

Bruce Smith and Daniel Hicks, III, two members from the New Hampshire Fruit Growers Association, Cider Committee.

Rep. Leighton C. Pratt, appointed by the Speaker.

Sen. Charles F. Bass, appointed by the President.

#### **HB 1151 (Chapter 100, Laws of 1992) NH HOSPITAL VACANT SPACE UTILIZATION**

Reps. Leon Calawa, Jr. (construction experience) and Robert G. Holbrook (Appropriations), appointed by the Speaker.

Sens. Susan McLane and Leo Fraser (business experience), appointed by the President.

Donald Shumway, Director, Division of Mental Health and Developmental Services, designee of the Commissioner of the Department of Health and Human Services.

Nancy Muller, appointed by the Director of the Department of Cultural Affairs.

Paul G. Gorman, Superintendent of the New Hampshire Hospital.

James M. Warner (architect) and Ralph Brickett (general public), appointed by the Governor.

#### **HB 1190 (Chapter 152, Laws of 1992) COMMITTEE TO STUDY BUDGET RELATIONSHIPS BETWEEN LEGISLATIVE AND GOVERNING BODIES IN MUNICIPAL GOVERNMENT**

Sens. Clesson J. Blaisdell and Ralph D. Hough, appointed by the President.

Reps. Richard T. Trelfa and Patricia Cote, appointed by the Speaker.

Hunter F. Riesberg, appointed by the NH Municipal Association.

Brenda J. Sack, one member of the legislative body of a town operating under the town meeting form of government, appointed by the Governor with the advice and consent of the Council.

One member of the governing body of a town operating under the town meeting form of government, appointed by the Governor with the advice and consent of the Council.

One member of the legislative body of a village district of a town operating under the town meeting form of government, appointed by the Governor with the advice and consent of the Council.

One member of the governing body of a village district of a town operating under the town meeting form of government, appointed by the Governor with the advice and consent of the Council.

One member of the legislative body of a school district of a town operating under the town meeting form of government, appointed by the Governor with the advice and consent of the Council.

One member of the governing body of a school district of a town operating under the town meeting form of government, appointed by the Governor with the advice and consent of the Council.

Barbara Reid, appointed by the Commissioner of the Department of Revenue Administration.

#### **HB 1209 (Chapter 73, Laws of 1992) REAL ESTATE VALUATION AND REVALUATION PROCESS**

Reps. Fredrik Peyron, Gabriel J. Daneault and Lawrence A. Emerton, appointed by the Speaker.

Sens. Eleanor P. Podles, John A. King and Charles F. Bass, appointed by the President.

Jeffrey S. Donohoe, Durham, appointed by the Governor.

Robert Esty and Michael Fedele, two assessors, one from a town and one from a city, appointed by the New Hampshire Municipal Association.

Claudia V. Boys, Concord, who is not an assessor nor an appraiser, appointed by the Governor.

**HB 1240 (Chapter 77, Laws of 1992) MUNICIPAL SECESSION CRITERIA**

Reps. Richard A. Grodin (Chmn.), Catherine V. Brungot and Thomas B. Salatiello, (Municipal and County Government) appointed by the Speaker.

Sens. Charles F. Bass (V. Chmn.), Sheila Roberge and Mary S. Nelson, appointed by the President.

Paul T. Fitzgerald, appointed by the New Hampshire Municipal Association.

Andrea Reid, appointed by the the Commissioner of Revenue Administration.

William Seed, appointed by the Business and Industry Association.

Scott E. Woodman, Esq., knowledgeable in municipal matters, appointed by the New Hampshire Bar Association.

One member of the governing body of a municipality, appointed by the Governor with the consent of the Council.

One member of the legislative body of a municipality, appointed by the Governor with the consent of the Council.

**HB 1242 (Chapter 105, Laws of 1992) CURRENT USE TAXATION ISSUES**

Reps. David M. Scanlan (Chmn.) and Gregory L. Hanselman (Environment and Agriculture), appointed by the Speaker.

Reps. Paul A. Golden (Municipal and County Government), Barbara E. Arnold (Ways and Means) and Howard C. Dickinson (Resources, Recreation and Development) appointed by the Speaker.

Sens. Thomas P. Colantuono (Ways and Means), Richard L. Russman (Environment) and Wayne D. King (Economic Development) appointed by the President.

Charles A. Levesque, John Schott and Burnham Judd, public members, appointed by the Governor.

**HB 1323 (Chapter 95, Laws of 1992) SCHOOL CONSTRUCTION STUDY COMMITTEE**

Edward Taylor, appointed by the Commissioner of Education.

Phil Nadeau, a local school board member designated by the New Hampshire School Boards Association.

John Hanfield, a school administrator designated by the New Hampshire School Administrators Association.

Susan Winkler, a state board member appointed by the chairman of the board.

Alvin Corzilius, a licensed architect designated by the Board of Architects.

A principal appointed by the New Hampshire Principals Association.

Doug Brown, a teacher appointed by the Commissioner of Education.

Reps. Nils H. Larson, Jr., (Education) and Michael J. Hill, appointed by the Speaker.

Sens. George F. Disnard (Education) and Ralph D. Hough, appointed by the President.

John E. Lyons, a licensed engineer designated by the Board of Engineers.

Allen Thibodeau, a builder or contractor designated by the Associated General Contractors of New Hampshire.

Brook Dupee, appointed by the Director of the Division of Public Health Services.

Dennis Lucey, a secondary grade student appointed by the Governor.

**HB 1342 (Chapter 136, Laws of 1992) VETERANS' CEMETERY SITE SELECTION STUDY**

Sen. Burton J. Cohen, appointed by the President.

Rep. James J. Fenton, (Public Protection and Veterans Affairs) appointed by the Speaker.

Leslie P. Mason, Jr., business administrator, designee of the Adjutant General.

Rep. Richardson C. Benton, appointed by the Governor.

Ken Leidner, Bow, and Byron Buckingham, Nashua, members of the State Veterans' Needs Committee.

**HB 1344 (Chapter 275, Laws of 1992) SOLID WASTE MANAGEMENT LAWS**

The House Environment and Agriculture Committee.

The Senate Environment Committee.

**HB 1351 (Chapter 81, Laws of 1992) TAX-EXEMPT PROPERTY REVIEW AND PAYMENT IN LIEU OF TAXES**

Sens. Barbara B. Pressly, Susan McLane and Gordon J. Humphrey, appointed by the President.

Reps. Kenneth L. Weyler (Chmn.), Karen O. Wadsworth and John S. Barnes, Jr., appointed by the Speaker.

Len Gerzon, appointed by the New Hampshire Business and Industry Association.

Christa Binner, appointed by the New Hampshire School Board Association.

Barbara Reid, appointed by the Commissioner of the Department of Revenue Administration.

William B. Cullimore, Director, representative of the Charitable Trusts section of the Department of Justice, appointed by the Attorney General.

Stephen R. Marion, representative from a tax-exempt hospital, appointed by the Governor.

Monsignor John E. Molan, representative from a tax-exempt church, appointed by the Governor.

H. Jeffrey Rafn, representative of postsecondary education, appointed by the Governor.

Barton L. Mayer, appointed by the New Hampshire Municipal Association.

One representative of the Granite State Association of Non-Profits, appointed by such association.

One representative of the New Hampshire Association of Commerce and Industry, Inc., appointed by such association.

**HB 1357 (Chapter 276, Laws of 1992) IN-HOME CARE ALTERNATIVE**

Reps. Katherine D. Foster and Alice S. Ziegra, appointed by the Speaker.

Sens. John A. King and Susan McLane, appointed by the President.

Ellen M. Labrie, RN, a potential recipient of such care or a member of the recipient's family, appointed by the Governor.

Lee Bezanson, appointed by the Administrator of the Office of Medical Services, Division of Human Services, Department of Health and Human Services.

Susan Epstein, appointed by the Director of the Division of Public Health Services, Department of Health and Human Services.

Carole Russell, Administrator with nursing-home expertise within the Division of Public Health Services, Dept. of Health and Human Services, appointed by Director.

Jeannette Gagnon, appointed by the Director of the Division of Elderly and Adult Services, Department of Health and Human Services.



Kathleen Sgambati, Assistant Commissioner of Department of Health and Human Services.

Susan M. Young and Alida Millham, appointed by the NH Home Care Association.

Jeanne Sanders, appointed by the NH Health Care Association.

Representative of the NH Nurses' Association, appointed by association.

Bonnie Carroll, a county director of nursing, of the NH Directors of Nursing Association/Long Term Care, appointed by the association.

Marie Gross, appointed by the NH Hospital Association.

Donald Catino, M.D., appointed by the NH Medical Society.

Raelene Shippee-Rice, of the University System of New Hampshire's school of Health and Human Services, appointed by the dean of the school.

Jean Delphia, RN, appointed by the Granite State Independent Living Foundation.

#### **HB 1361 (Chapter 120, Laws of 1992) STATE MOTOR VEHICLE FLEET MANAGEMENT**

Reps. Kathleen M. Ward and Robert J. L'Heureux, appointed by the Speaker.

Sens. Ralph D. Hough and Mary S. Nelson, appointed by the President.

Dennis B. Salter and Karen B. Morin, two public members with experience in or demonstrated knowledge of fleet management, appointed by the Governor.

Ralph Brickett, appointed by the Governor.

John Clement, appointed by the Commissioner of Transportation, who shall be a non-voting member.

#### **HB 1439 (Chapter 237:4, Laws of 1992) DIESEL AND OTHER EXEMPTED VEHICLES**

Members of the House Environment and Agriculture Committee.

Members of the Senate Environment Committee.

#### **HB 1453 (Chapter 200, Laws of 1992) SHELLFISH MONITORING AND CLOSURE PROCEDURES**

Sens. Burton J. Cohen and Beverly A. Hollingworth, appointed by the President.

Reps. Clyde J. Douglass and Carmela M. Dipietro, appointed by the Speaker.

The Executive Director of the Department of Fish and Game.

Patrick Meehan, Director of the Division of Public Health Services, Department of Health and Human Services.

Edward J. Schmidt, Director of the Division of Water Supply and Pollution Control, Department of Environmental Services.

The Coastal Commissioner of the Department of Fish and Game.

Two members of the general public, one of whom shall be a researcher from the University of New Hampshire actively involved in shellfish research and knowledgeable about biological sampling and analysis, appointed by the Governor and the Executive Council.

#### **HB 1462 (Chapter 201, Laws of 1992) PAROLE ELIGIBILITY**

Sens. Eleanor P. Podles and Thomas P. Colantuono (Judiciary), appointed by the President.

Reps. C. William Johnson and Elizabeth A. Moore (Judiciary), appointed by the Speaker.

Sandra Matheson, Director, Office of Victim/Witness Assistance.

Robert F. Hamel, the Chairperson of the Adult Parole Board.

Donald E. Bisson, Esq., an attorney representing the New Hampshire Public Defender's Office, appointed by the office.

Hon. Bruce E. Mohl, Superior Court Justice, appointed by the Chief Justice of the Supreme Court.

Michael Johnson, County Attorney, appointed by the New Hampshire Association of Counties.

Michael K. Brown, Esq., appointed by Commissioner of the Department of Corrections.

Michael J. Cunningham, Warden, appointed by the Department of Corrections

### **HB 1495 (Chapter 240, Laws of 1992) NH TIDAL WATERS AND RELATED ISSUES**

Sens. Burton J. Cohen and Beverly A. Hollingworth, representing the tidal water areas of the state, appointed by the President.

Reps. Charles H. Felch (Chmn.), Sr. and Joseph Schanda, Sr., representing the tidal water areas of the state, appointed by the Speaker.

The chairman of the NH State Port Authority Board, or his designee.

Richard McLeod, appointed by the Director of the Division of Parks and Recreation.

Robert E. Dunn, Jr., appointed by the Commissioner of Safety.

G. Ritchie White, Coastal Commissioner of the Fish and Game Commission.

Steven Joyce, appointed by the Yankee Fisherman's Cooperative.

Erik Anderson (Alt., George Mavrikis), appointed by the Portsmouth Fisherman's Cooperative.

Bradley J. Cook, appointed by the Interstate Passenger Boat Association.

One public member from the recreational industry, appointed by the governor.

Robert Byrant, lobster fisherman, appointed by the New Hampshire Commercial Fisherman's Association.

### **SB 60 (Chapter 4, Laws of 1992) LACONIA-TO-FRANKLIN HIGHWAY TASK FORCE**

Sens. David P. Currier (Dist. 7) and Leo W. Fraser (Dist. 4) appointed by the President.

Reps. Ralph J. Rosen (Laconia) and James A. Whittemore (West Franklin), appointed by the Speaker from the geographical area under study, though no more than one member shall be from Laconia.

Six public members, one each from the towns of Tilton, Northfield (Joyce May Johnson), Belmont and Sanbornton (Daryl A. Woods), appointed by the respective board of selectmen; and one each from the cities of Franklin (Richard M. Plante) and Laconia (Daniel E. McKeever), appointed by the respective mayor and city council.

The Chairman of the Lakes Region Planning Commission.

Robert Greer, appointed by the Commissioner of the Department of Transportation.

Stuart Trachy, public member from the geographical area under study, appointed by the Governor and Council.

Two non-voting members, one each from the towns of Meredith and Gilford (Sheldon Morgan, alternate: John Bobula), appointed by the respective boards of selectmen.

### **SB 62 (Chapter 241, Laws of 1992) ATHLETIC TRAINERS AND BOARD OF REGISTRATION IN MEDICINE**

Members of the House Executive Departments and Administration Committee.

Members of the Senate Executive Departments Committee.

**SB 120 (Chapter 5, Laws of 1992) SUNSET REVIEW AND ADMINISTRATIVE RULEMAKING AUTHORITY TASK FORCE**

Reps. William P. Boucher, Robert S. Mercer, Merton S. Dyer, Shawn N. Jasper and Marion L. Copenhagen, appointed by the Speaker.

Sens. David P. Currier, Sheila Roberge, John A. King, Wayne D. King and Beverly A. Hollingworth, appointed by the President.

**SB 303 (Chapter 55, Laws of 1992) STATE EMPLOYEE MEDICAL BENEFITS STUDY COMMITTEE**

Thomas Manning, representative of the Governor's office, appointed by the Governor.

Rep. Robert L. Wheeler, appointed by the Speaker.

Sen. Leo W. Fraser, appointed by the President.

Denis W. Parker (Chris Henchey, Alt.), Executive Director of the State Employees Association, Inc.

Don Hill, designee of the Commissioner of the Department of Administrative Services.

Robert Solitto, designee of the Insurance Commissioner.

Three public members. Gary Marmontello, appointed by Governor; Sandra E. Prindiville appointed by the President; and John Crosier (BIA) appointed by the Speaker.

**SB 316 (Chapter 140, Laws of 1992) CABLE TELEVISION RATES STUDY**

Reps. Beverly T. Rodeschin and Philip M. Ackerman (Science and Technology) appointed by the Speaker.

Sens. Jeanne Shaheen and Thomas P. Colantuono, appointed by the President.

Danielle Rogier and Francoise Elise, two consumers of cable services, appointed by the Governor.

Rick Jenkinson and Nick Leuci, two representatives of the cable industry, appointed by the Governor.

Barry R. Brenner, representative of a municipality with a cable contract, appointed by the New Hampshire Municipal Association.

Debra A. Martone, representative of the telecommunications industry, appointed by the Governor.

Linda Moffat, Georgia, representative of the satellite-delivered programming industry, appointed by the Governor.

**SB 323 (Chapter 82, Laws of 1992) PHYSICIAN SELF-REFERRAL STUDY**

Reps. Mary C. Holmes and Eric N. Lindblade, appointed by the Speaker.

Sens. Thomas P. Colantuono and Beverly A. Hollingworth, appointed by the President.

Dan Kossick, appointed by the Commissioner of Health and Human Services.

David Nichols, appointed by the Commissioner of Insurance.

Timothy J. McCormack, MD, appointed by the New Hampshire Medical Society.

A health insurer, appointed by the Insurance Commissioner.

Dr. Gary L. Woods, a physician who has an ownership interest in a related medical entity, appointed by the Governor.

Nancy Baybutt, a consumer of health care, appointed by the Governor.

**SB 327 (Chapter 205, Laws of 1992) SUBSTANCE ABUSE AND HEALTH CARE COSTS**

Sen. Beverly A. Hollingworth, appointed by the President.

Rep. Eleanor H. Amidon, appointed by the Speaker.

J. Woodward Laverack, public member, appointed by the Governor.

Roger Taillefer, appointed by the Director of the Division of Public Health Services, Department of Health and Human Services.

J. O. White, Jr., appointed by the Director of the Office of Alcohol and Drug Abuse Prevention.

Judith Frank, MD, member from the New Hampshire Medical Society, appointed by such society.

Alexander Taft, appointed by Blue Cross and Blue Shield of New Hampshire.

Vincent G. Mace (Chubb Life), representing the health insurance industry, who shall not be a member of Blue Cross and Blue Shield, appointed by the Insurance Commissioner.

Cynthia A. Paveglio, appointed by the Commissioner of Labor.

Patricia Busselle, appointed by the Commissioner of Education.

Christopher Whitty (Matthew Thornton), representing a health maintenance organization, appointed by the Insurance Commissioner.

Rep. Leo Spencer, appointed by the New Hampshire DWI Prevention Council.

James F. Lynch, Director of the Administrative Office of the Courts.

**SB 331 (Chapter 84, Laws of 1992) SPORTS GENDER EQUITY STUDY**

Reps. Robert Gilbreth and Sharleene P. Hurst, appointed by the Speaker.

Sens. Beverly A. Hollingworth and Clesson J. Blaisdell, appointed by the President.

Joanne Merrill, appointed by the New Hampshire College and University Council, appointed by the council.

Philip D. Bell, school administrator who will serve as the Title IX coordinator, appointed by the Governor.

One representative from the New Hampshire School Boards Association or Superintendents Association, appointed by these associations.

William Whitmore, Rose Galligan and John Fagula, representatives from interscholastic athletic programs, appointed by the Governor.

Stephen Bamford, Judith L. Ray and Nancy Drefts, representatives from intercollegiate athletic programs, appointed by the Governor.

Michelle Grenier and Jenny Lane, representatives from community sports programs, appointed by the Governor.

James Jeannotte, representative of the media, appointed by the Governor.

Judy Fillion, representative from the Department of Education, appointed by the Commissioner of Education.

One representative from the New Hampshire Athletic Association, appointed by the association.

Dierdre Christo, appointed by the Commission on the Status of Women.

**SB 339 (Chapter 288:25, Laws of 1992) PRODUCT LIABILITY LAWS IMPACT ON MANUFACTURERS**

Sen. Charles F. Bass, appointed by the President.

Sen. Beverly A. Hollingworth (Judiciary), appointed by the President.

Rep. G. Philip Rodgers, appointed by the Speaker.



One person representing a manufacturing concern, appointed by the Governor and Council.

Joseph M. Kerrigan, one attorney, appointed by the New Hampshire Bar Association.

Hugh Lee, public member, appointed by the President.

Stephen Sanetti, Esq., public member, appointed by the Speaker.

Rep. Robert S. Mercer (Commerce, Small Business and Consumer Affairs), appointed by the Speaker.

Kenneth C. Brown (Roger Phillips, Alt.), attorney, appointed by the New Hampshire Trial Lawyers Association.

Len Gerzon, appointed by the New Hampshire Association of Commerce and Industry.

Dwight W. Bowie, CPCU, appointed by the New Hampshire Association of Domestic Insurance Companies.

William R. Channon, individual who has been injured by a defective product, appointed by Fair Access to the Courts.

#### **SB 348 (Chapter 209:2, Laws of 1992) CORRECTIONAL SYSTEM, FUTURE NEEDS STUDY**

Sens. Richard L. Russman (Judiciary) and C. Jeanne Shaheen (Capital Budget), appointed by the President.

Reps. Alice B. Record (Judiciary) and Peter M. Stio (Public Works), appointed by the Speaker.

Paul Fitzgerald, Esq. (Laconia), member of the public, appointed by the Speaker.

Raymond Porelle, member of the public, appointed by the President of the Senate.

Michael K. Skibbie, attorney representing the New Hampshire Public Defender's Office.

Michael T. Johnson, attorney, appointed by the New Hampshire Association of Counties.

Rosemary Shannon, appointed by the Director of the Office of Alcohol and Drug Abuse Prevention.

Alan Linder, attorney appointed by New Hampshire Legal Assistance.

William Ewart, appointed by the Commissioner of Education.

John Wallace, appointed by the Director of the Division of Mental Health Services.

Dr. David Freedman, member of the medical profession with expertise in medical services but not an employee of the prison system, appointed by the Governor.

William Fillion, appointed by the New Hampshire State Employees Association.

#### **SB 350 (Chapter 162, Laws of 1992) MENTAL HEALTH AND CRIMINAL JUSTICE SYSTEM (Expanded)**

Michael K. Skibbie, appointed by the Executive Director of the New Hampshire Public Defender Program.

A person representing individuals with head injuries, appointed by the executive director of the National Head Injury Foundation in New Hampshire.

Denise Devlin, alcohol and drug abuse counselor, appointed by the Director of the Office of Alcohol and Drug Abuse Prevention.

Robin E. Boots, Esq., appointed by the Executive Director of the Disabilities Rights Center.

Kara Marsh-Armstrong, appointed by the Executive Director of the New Hampshire Trial Lawyers Association.

Lisah Keller, Esq. (County office), and W. Kirk Abbott, Esq. (Appellate defender office), appointed by the Executive Director of the New Hampshire Public Defender Office.

Edmund G. Haddad, PhD, appointed by the Association of Retarded Citizens.

A representative of the New Hampshire Civil Liberties Union, appointed by the executive director of the union.

**SB 360 (Chapter 87, Laws of 1992) HEAD INJURY CASES STUDY**

Sens. Susan McLane and John A. King, appointed by the President.

Reps. Paula J. Kinney and Katherine D. Foster, appointed by the Speaker.

One member of the Governor's Commission on Disability.

The Director of the Division of Vocational Rehabilitation or his designee.

One member of the business community, appointed by the Governor.

A representative of the New Hampshire Chapter of the National Head Injury Foundation, appointed by the head of such foundation.

Dr. Richard Guare, professional person working in the field of brain injury rehabilitation, appointed by the Governor.

Dorothy G. Ham, family member of a survivor of a head injury, appointed by the Governor.

Jackie Felix, appointed by the Director of Mental Health and Developmental Services.

Kathy Bizarro, appointed by the New Hampshire Hospital Association.

**SB 371 (Chapter 141, Laws of 1992) YEAR-ROUND SCHOOLS STUDY**

Sens. George F. Disnard (Chairman, Education) and Wayne D. King, appointed by the President.

Reps. Patricia M. Skinner (Chairperson, Education) and Stanley N. Searles, Sr., appointed by the Speaker.

Sen. Gordon J. Humphrey, designee of the Governor.

Gerald Bourgeois, appointed by the Commissioner of Education.

Jane Walker, appointed by the New Hampshire School Boards Association.

Mark Beauvais, appointed by the New Hampshire School Administrators Association.

One person from the New Hampshire Association of School Principals, appointed by that association.

Fred Place, appointed by the National Education Association, New Hampshire.

Pat Genestreti, appointed by the State Board of Education.

Ralph Brickett, parent, appointed by the Governor.

Ann Rogers, primary teacher, appointed by the Commissioner of Education.

Doug Jenisch, secondary teacher, appointed by the Commissioner of Education.

Malcolm Bownes, Director of the New England Information Center on Year-Round Schools at Plymouth State College.

**SB 382 (Chapter 168, Laws of 1992) JUDICIAL APPOINTEE SELECTION, NOMINATION AND CONFIRMATION**

Sens. Eleanor P. Podles and Richard L. Russman, appointed by the President.

Reps. Alf E. Jacobson and Elizabeth D. Lown, appointed by the Speaker.

Patti Blancheitte, one attorney, appointed by the New Hampshire Bar Association.

Hon. William F. Batchelder, appointed by the Chief Justice of the Supreme Court.

H. Alfred Casassa, Esq., appointed by the Judicial Council.

Hon. Earl A. Rinker, III, designee of the Governor.

Hon. Bernard A. Streeter and the Hon. Ruth Griffin, public members, appointed by the Governor.

Hon. Raymond S. Burton, Executive Councilor, appointed by the Executive Council.

**SB 383 (Chapter 109, Laws of 1992) CONVICTED CHILD ABUSERS, SCREENING FOR SCHOOL DISTRICT EMPLOYMENT**

Rep. John J. Laurent appointed by the Speaker.

Rep. William Riley appointed by the Chairman of the House Education Committee.

Sen. Eleanor P. Podles appointed by the President.

Sen. John A. King appointed by the Chairman of the Senate Education Committee.

Alex Blastos, appointed by the Commissioner of Education.

Jane Bangert, appointed by the New Hampshire School Administrators Association.

One elementary principal, appointed by the New Hampshire Association of School Principals.

Kenneth Seifert, school administrator with primary responsibility for personnel, appointed by the New Hampshire School Administrators Association.

**SB 392 (Chapter 212:4, Laws of 1992) GUARDIANS AD LITEM, USE AND COMPENSATION OF**

Sens. Eleanor P. Podles and Barbara B. Pressly, appointed by the President.

Reps. Josephine Mayhew (Children, Youth and Juvenile Justice) and Donnalee M. Lozeau (Judiciary) appointed by the Speaker.

Hon. Linda Dalianis, Superior Court Justice, appointed by the Chief Justice of the Supreme Court.

Hon. John R. Maher, Probate Court Justice, appointed by the Chief Justice of the Supreme Court.

Hon. Thomas Bamberger, District Court Justice, appointed by the Chief Justice of the Supreme Court.

Two attorneys appointed by the New Hampshire Bar Association, one who is experienced in domestic matters (Ann C. Thompson, Esq.) and one who is experienced in juvenile matters (Matthew S. Epstein, Esq.).

Marcia Sink and David Hedge, who are not attorneys appointed by the Supreme Court, one who is experienced as a guardian ad litem in domestic matters and one who is experienced as a guardian ad litem in juvenile matters.

Paul Sanderson, appointed by the Director of the Division for Children and Youth Services.

Carol N. Schonfeld, appointed by the New Hampshire Association of Counties.

The Chairman of the Judicial Council or his designee.

**SB 393 (Chapter 260:2, Laws of 1992) TECHNICAL COLLEGE AT HAVERHILL FEASIBILITY STUDY**

Sens. George F. Disnard and Wayne D. King, appointed by the President.

Reps. Douglas P. Teschner and David E. Cote, appointed by the Speaker.

H. Jeffrey Rafn, Commissioner of Postsecondary Education.

Bob Rutherford, selectman from Haverhill, chosen by the selectmen.

Bernie Marvin, member of the public, appointed by the Governor.

**SB 393 (Chapter 260:15, Laws of 1992) UNH RESEARCH FACILITY AT FORMER PEASE AIR FORCE BASE FEASIBILITY STUDY**

Sens. Wayne D. King, Jeanne Shaheen and Ralph D. Hough, appointed by the President.

Reps. Gene G. Chandler, John J. McCarthy, Jr., and Charles L. Vaughn, appointed by the Speaker.

One public member appointed by the Governor and Council.

Dr. James D. Morrison, the President of the University of New Hampshire.

George C. Jones, appointed by the Chair of the Pease Development Authority,

**SB 393 (Chapter 260:23, Laws of 1992) PEASE DEVELOPMENT AUTHORITY AND PORT AUTHORITY CRITERIA**

Sens. Beverly A. Hollingworth and Burton J. Cohen, appointed by the President.

Reps. Anthony Syracuse and William Tsiros, appointed by the Speaker.

Henry M. Powers and James Weldon (two members representing the Port Authority and the Pease Development Authority), appointed by the Governor.

One person from the City of Portsmouth and one person from the town of Newington (Fred H. Smith, III), each appointed by the governing body of each community.

**SB 410 (Chapter 251, Laws of 1992) HEALTH CARE WORKERS PRECAUTIONARY PROCEDURES**

Sens. John A. King and Sheila Roberge, appointed by the President.

Reps. Marilyn P. Senter and Cecelia D. Kane, appointed by the Speaker.

Rev. Jane Geffken Henderson, public member, appointed by the Governor.

Patrick Meehan, MD, Director, Division of Public Health Services, Department of Health and Human Services.

Jim Shanellaris, appointed by the Director of the Office of Alcohol and Drug Abuse Prevention.

Rachel Rowe, appointed by the New Hampshire Hospital Association.

A member of the New Hampshire Nurses Association, appointed by such association.

Timothy J. Clements, DMD, appointed by the New Hampshire Dental Society.

Marilyn Metzler, appointed by the New Hampshire AIDS Consortium.

Dr. Frederic E. Shaw, Jr., appointed by the New Hampshire Public Health Association.

Carl DeMatteo, MD, appointed by the New Hampshire Medical Society.

Joan Dolloff, appointed by the State Employees Association, to represent health care workers.

**SB 441 (Chapter 165:9, Laws of 1992) ENHANCED 911 SYSTEM ADVISORY COMMITTEE**

The Speaker of the House of Representatives, or designee.

Arlene Burns, designee of the President.

The Governor, or designee.

Reps. Beverly T. Rodeschin (Science and Technology), Kathleen W. Ward (Executive Departments and Administration) and Channing Brown (Appropriations), appointed by the Speaker.

Sens. Sheila Roberge (Finance), David P. Currier (Executive Departments) and Beverly A. Hollingworth, appointed by the President.

Elliot D. Lerner, Commissioner, Department of Administrative Services, who shall act as chairman of the committee.



**SB 450 (Chapter 262:45, Laws of 1992) FINANCIAL MANAGEMENT OF PUBLIC FUNDS STUDY**

Sens. Leo W. Fraser, Jr., Barbara B. Pressly and Wayne D. King, appointed by the President.

Reps. Bonnie Packard, Peter H. Burling and Richard T. Trelfa, appointed by the Speaker.

**SB 450 (Chapter 262:46, Laws of 1992) ECONOMIC DEVELOPMENT PROPERTY TAX ABATEMENT STUDY**

Sens. Burton J. Cohen (Economic Development), Susan McLane (Ways and Means) and Charles F. Bass (Public Affairs) appointed by the President.

Reps. G. Philip Rodgers (Economic Development), Garret P. Cowenhoven (Ways and Means) and Richard T. Trelfa (Municipal and County Government), appointed by the Speaker.

**RSA 19-E:1 (established by SB 324, Chapter 243, Laws of 1992) COMMISSION ON THE STATUS OF THE FAMILY**

Ciobhan Tautkus, Rev. Walter S. Holder and Patrice Scott, three members appointed by the Governor.

Reps. Debroah L. Woods and David R. Connell, appointed by the Speaker.

Sens. Eleanor P. Podles and Beverly A. Hollingworth, appointed by the President.

Lorrie Lutz, the Director of the Division for Children and Youth Services.

Thomas O'Connor, appointed by Child and Family Services.

One elementary school and one high school guidance counselor appointed by the New Hampshire Association of School Guidance Counselors.

Mary Minard Moynihan, representative of the New Hampshire Women's Lobby, appointed by the lobby.

Grace Mattern, appointed by the New Hampshire Coalition Against Domestic and Sexual Violence.

Richard M. Galvin, appointed by the New Hampshire Marriage and Family Therapists Association.

Chief Frank Beliveau, North Hampton, police department member, jointly appointed by the New Hampshire Police Chiefs Association and the New Hampshire Patrolmen's Association.

**RSA 132:19 (established by HB 1374, Chapter 234, Laws of 1992) PRENATAL CHEMICAL DEPENDENCY TASK FORCE**

Reps. Barbara J. Baldizar and Pamela B. Bean, appointed by the Speaker.

Sens. Sheila Roberge and John King, appointed by the President.

Geraldine Sylvester, Director of the Office of Alcohol and Drug Abuse Prevention.

Dr. Barry Smith and Dr. Jane A. Starr, two members from the medical community, preferably obstetricians, appointed by the Governor.

Christine Shannon, appointed by the Director of the Division of Public Health Services, Department of Health and Human Services.

Ray Barrett, appointed by the Director of the Division for Children and Youth Services, Department of Health and Human Services,

Joyce Johnson, appointed by the Commissioner of the Department of Education.

George E. Liouzis, appointed by the Chairman of the State Liquor Commission.

Kate Miller, appointed by the New Hampshire Family Planning Council.

A registered nurse, appointed by the New Hampshire Nurses Association.

A midwife, appointed by the Nurse Practitioner Association.

**RSA 162-A:4 (established by SB 450, Chapter 262:3, Laws of 1992) BUSINESS FINANCE AUTHORITY BOARD OF DIRECTORS**

The Governor, with the consent of the Council, shall appoint 9 members of the board, who shall include an executive director of a regional planning commission and one elected or appointed local official. The Governor shall designate one of the board members as chairman.

The State Treasurer, shall serve as a non-voting ex officio member of the board.

Reps. Bonnie B. Packard and Peter H. Burling, who shall be appointed by the Speaker, shall serve as non-voting members of the board.

Two members of the Senate, who shall be appointed by the President of the Senate, shall serve as non-voting members of the board.

**RSA 187-A:32 (expanded by SB 304 Chapter 242:6, Laws of 1992) INDUSTRIAL TECHNOLOGY RESEARCH AND INNOVATION CENTER OVERSIGHT COMMITTEE**

Oversight Committee Member Added. Amend RSA 187-A:32, I by inserting after subparagraph (f) the following new subparagraph:

P. Bruce Pipes, the Associate Provost for Academic Affairs of Dartmouth College.

**RSA 188-F:42 (established by HB 497, Chapter 259, Laws of 1992) EQUIPMENT CHALLENGE GRANT PROGRAM**

Sen. Sheila Roberge member of the Senate and Sen. Ralph Hough (alternate) appointed by the President.

Rep. Kathleen M. Hoelzel and Rep. Patricia M. Skinner (alternate), appointed by the Speaker.

The New Hampshire Business and Industry Association.

Yvonne Nanasi, the New Hampshire Association of Commerce and Industry.

Roberta Barrett, the State Board of Education.

Dr. Eugene Ross, the Board of Governors of Postsecondary Technical Education, established in RSA 188-F:3.

William Porter, the Department of Education.

H. Jeffrey Rafn, the Department of Postsecondary Technical Education.

The Department of Resources and Economic Development.

The Department of Employment Security.

Ray Worden, the New Hampshire Job Training Council, Private Industry Council.

Dr. Paul Krohne, the New Hampshire School Boards Association.

David Schell, the New Hampshire State Council for Vocational Education.

The New Hampshire Council of Secondary Vocational Directors.

Robert Martinez, Walter Casavecchia, (three members) appointed by the Governor, representing business and industry, commerce, and organized labor.

**RSA 201-A:24 (expanded by HB 1119, Chapter 51, Laws of 1992) AUTOMATED INFORMATION SYSTEMS BOARD**

Commissioner of Cultural Affairs, who shall be an ex officio and non-voting member.

The State Librarian.

One Representative appointed by the Speaker of the House.

One Senator appointed by the President of the Senate.

A representative of each board-approved local system appointed by and empowered to speak for the local system.

One representative of the New Hampshire state library advisory council appointed by the chair of the council.

Lew Harriman, citizen, appointed by the Governor.

**RSA 233-A:2, I (established by HB 601, Chapter 265, Laws of 1992) PUBLIC WATER ACCESS ADVISORY BOARD**

Rich Tichko, appointed by the Executive Director of the Fish and Game Department.

The Commissioner of the Department of Resources and Economic Development, or designee.

The Commissioner of the Department of Environmental Services, or designee.

Frederic C. Murphy, appointed by the Commissioner of the Department of Transportation.

Robert E. Dunn, Jr., appointed by the Commissioner of the Department of Safety.

The Director of the Office of State Planning, or designee.

Two members of the general public appointed by the Governor and Council for 3-year staggered terms, with one being designated as the chairperson. The first appointed member shall serve an initial 2-year term.

Sens. Leo Fraser and Wayne King, appointed by the President.

Reps. Allen R. Wiggin (Fish and Game) and Mary Ann Lewis (Resources, Recreation and Development), appointed by the Speaker.

A public member representing hunting interests, appointed by the Governor and Council.

A public member representing fishing interests, appointed by the Governor and Council.

A public member representing power boating interests, appointed by the Governor and Council.

A public member representing a lakes association, appointed by the Governor and Council.

A public member representing a rivers association, appointed by the Governor and Council.

A person representing non-motorized boating interests, appointed by the Governor and Council.

A member of the Governor's Commission on Disability appointed by the Governor and Council.

**RSA 494:1 (established by HB 1494, Chapter 284:16, Laws of 1992) SUPREME COURT LONG RANGE TASK FORCE**

Hon. William F. Batchelder, Hon. Joseph A. DiClerico, Hon. John R. Maher, Hon. Edwin W. Kelly, James Lynch, appointed pursuant to supreme court rules.

John P. Arnold (Dana Bisbee, Alt.), the Attorney General.

Stillman Rodgers, a clerk of the Superior Court, selected by the Superior Court Clerks' Association.

A clerk of the District and Municipal Courts, selected by the District Court Clerks' Association.

Susan B. Carbon, Esq., President-Elect of the New Hampshire Bar Association.

The Chairperson of the Senate Judiciary Committee or a designee from such committee appointed by the Chairperson.

Rep. Elizabeth Lown, appointed by the Chairperson of the House Judiciary Committee.

Eight other members appointed by the Governor and Council, 3 of whom shall be members of the New Hampshire Bar Association of wide experience who have been admitted to practice in the state for more than 5 years, and 5 of whom shall be lay persons; and five other members appointed by the Chief Justice of the Supreme Court, 3 of whom shall be members of the New Hampshire Bar Association of wide experience who have been admitted to practice in the state for more than 5 years, and 2 of whom shall be lay persons.



**RESIGNATIONS, DEATHS, ELECTIONS****ELECTED, NOT SWORN**

12/01/90    Rock/20    Vartanian, Elsie, r

**RESIGNED**

02/05/91    Rock/5    Gregorio, William, r  
 02/22/91    Hills/46    Dionne, Paul R., d  
 03/07/91    Hills/39    Janas, Gregory, d  
 04/03/91    Hills/30    Hickey, Janet E., r  
 05/17/91    Rock/7    Campbell, Eunice M., r  
 09/20/91    Rock/28    Chase, Lawrence A., Jr., r  
 09/25/91    Straf/7    Bernard, Mary E., d  
 10/01/91    Ches/13    Spear, Susan, d&r  
 01/30/92    Hills/31    Pignatelli, Debora B., d

**DECEASED**

06/06/91    Hills/10    Perham, Lester R., r&d  
 11/17/91    Hills/29    Gagnon, Gabrielle V., d  
 12/10/91    Straf/1    Swope, Warren L., r  
 12/28/91    Graf/1    Whitcomb, Henry F., Jr., r  
 01/13/92    Merr/17    Jelley, Francis D., d  
 03/16/92    Rock/25    Splaine, John E., Sr., d  
 06/25/92    Rock/20    Ford, Bert H., r

**SPECIAL ELECTIONS****Took oath**

02/13/91    Rock/20    Sytek, John J., r  
 05/01/91    Hills/39    Janas, Gregory, d  
 06/11/91    Rock/5    Wells, Henry E., r  
 09/09/91    Rock/7    Katsakiores, Phyllis M., r  
 10/30/91    Hills/10    Carpenter, Karen A., r  
 12/18/91    Hills/46    Asselin, Robert P., d  
 01/07/92    Ches/13    Mohr, Frederick C., Jr., r  
 02/26/92    Straf/7    Knowles, William V., d  
 03/11/92    Rock/28    Chase, Lawrence A., Jr., r  
 04/08/92    Hills/30    Jean, Claudette R., d  
 04/08/92    Hills/29    Soucy, Richard A., d

**SWORN INTO OFFICE:**

05/29/91    Sull/9    Porter, Robert H., r

400 State Representatives

R - 200 + R&D - 67 = 267

D - 100 + D&R - 25 = 125

I - 1 + I&D - 1 = 2

Currently elected and qualified: 394

Vacancies due to deaths: 5

resignations: 1

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- HB 1354**, establishing a committee to study the establishment of utility rate regulation based on incentives rather than rate of return. Question, substitute ought to pass for inexpedient to legislate. Yeas, 136; Nays, 191 .....540-543
- HB 1369**, defining the terms “experimental and investigatory” concerning medical procedures for insurance purposes and establishing a review board to hear controversial cases. Question, substitute refer to interim study for inexpedient to legislate. Yeas, 129; Nays, 208. ....611-615
- HB 1388**, imposing a civil penalty in any proceeding in which a rule of a manufactured housing park owner is deemed unreasonable. Question, substitute ought to pass for inexpedient to legislate. Yeas, 212; Nays, 110 .....547-550
- HB 1399**, changing the name of the board of examiners of psychologists to the board of examiners of psychology and mental health practice, expanding such board, and certifying mental health counselors. Question, adopt conference committee report. Yeas, 78; Nays, 218 .....1208-1211
- HB 1400**, relative to the comprehensive shoreland protection act. Question, adopt conference committee report. Yeas, 241; Nays, 74 .....1212-1215
- HB 1407**, repealing laws relative to abortion. Question, substitute inexpedient to legislate for ought to pass. Yeas, 127; Nays, 207. ....629-632  
Question, lay on table. Yeas, 254; Nays, 78 .....1162-1166  
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- HB 1420**, permitting a law enforcement officer to intercept certain wire and oral communications without the consent of one of the parties to the communication. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 55; Nays, 252. ....633-636
- HB 1423-FN-L**, requiring the governor and council to appropriate funds to the plaintiffs in the Claremont school district lawsuit on a matching dollar basis for funds appropriated under RSA 7:12 for the state’s defense. Question, substitute ought to pass for inexpedient to legislate. Yeas, 131; Nays, 170. ....401-403
- HB 1432**, establishing a right to work act which provides for freedom of choice on whether to join a labor organization. Question, substitute ought to pass for inexpedient to legislate. Yeas, 134; Nays, 211. ....323-327
- HB 1435**, prohibiting refiners from requiring that retailers purchase motor fuel from certain distributors and imposing penalties for violations. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 104; Nays, 220 .....544-547
- HB 1460-FN**, relative to land fee increases in manufactured housing parks. Question, substitute ought to pass for refer to interim study. Yeas, 127; Nays, 182. ....466-469
- HB 1478-FN-L**, restructuring the Pease development authority. Question, adopt conference committee report. Yeas, 150; Nays, 185 .....1216-1219
- HB 1485**, requiring the division for children and youth services to use reasonable efforts to preserve families while providing services designed to protect children. Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 132; Nays, 211 .....606-610
- HB 1496-FN-L**, relative to defined benefits, defined contributions, and the funding methodology of the retirement system. Question, substitute minority report for majority report. Yeas, 181; Nays, 165 .....481-484  
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- HB 1497-FN-L**, relative to retirement benefits, employer contributions to the retirement system, and the retirement system board of trustees. Question, substitute inexpedient to legislate for ought to pass. Yeas, 167; Nays, 161 .....488-491  
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- HB 1498**, relative to drug forfeiture. Question, pass over governor’s veto. Yeas, 157; Nays, 192 .....1260-1263
- HB 1502**, relative to a non-binding state referendum question concerning a personal income tax. Question, adopt Young and Welch floor amendment. Yeas, 149; Nays, 189 .....941-944
- HR 69**, establishing procedures and deadlines for the filing of bills for the 1993 session. Question, lay on table. Yeas, 74; Nays, 250 .....1155-1158

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SB 213-FN-A, relative to the distribution of meals and rooms tax revenue. Question, substitute ought to pass for inexpedient to legislate. Yeas, 128; Nays, 206 .....	289-292
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SB 363, relative to health insurance coverage of autologous bone marrow transplants. Question, substitute ought to pass for ought to pass with amendment. Yeas, 176; Nays, 150 .....	988-991
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CACR 9, relating to revenue raised through a personal income tax. Providing that each year at least 75 percent of all general fund revenues resulting from any personal income tax be returned to the cities, towns, school districts, counties, and property tax-payers to assist in property tax relief. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 133; Nays, 207 .....	737-741
CACR 20, relating to senate membership size. Providing that the senate membership shall be 36. Question, order to third reading. Yeas, 197; Nays, 126 .....	352-355
CACR 25, relating to right to privacy. Providing that an individual's right to live free from governmental interference in private or personal matters is fundamental. Question, adopt majority committee report. Yeas, 158; Nays, 175 .....	801-804



CACR 27, relating to taxation. Providing that there shall be no tax on earned personal income and no general sales tax. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 43; Nays, 292 .....	205-208
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The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Approp	referred to Appropriations committee
conc	concurred, concurrence
conf	conference committee
enr	enrolled
Exec. Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
intent	legislative intent
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on table
nonconc	nonconcurrent
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
Ways and Means	referred to Ways and Means committee
withd	withdrawn

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- HB 410-FN**, relative to certification as an habitual offender for DWI-related convictions.  
**new title:** relative to alternatives to incarceration and requiring the commissioner of the department of safety to review and make legislative recommendations on the point system as it applies to habitual offenders.  
am 173-175, psd 184, S conc 816, enr 817, intent 994 (Chapter 19)
- HB 411**, relative to discrimination in the issuance of health insurance policies.  
**new title:** relative to discrimination in the issuance of health insurance policies and relative to access to group plans.



**2nd new title:** relative to discrimination in the issuance of health insurance, access to group plans, and health insurance during adoption proceedings.

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**new title:** relative to the use of excess campaign contributions by individuals who do not accept expenditure limitations.

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am 59-63, psd 127, conc S am 957, enr 1194 (Chapter 179)

**HB 449-FN,** to double the net income requirements under the optional adjusted elderly property tax exemption.

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am & Approp 122-123, am 260, psd 302, S conc 1138, enr 1194 (Chapter 180)

**HB 470,** relative to health maintenance organizations.

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am (RC) 134-139, psd 140, S conc 958, enr 1143 (Chapter 113)

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**HB 476-FN-A,** establishing a marital commission pilot program in Sullivan county and making an appropriation therefor.

am & Approp 119-120, rem 259, K (RC) 298-302

**HB 477-FN,** relative to agency authority to make rules and impose administrative fines.

**new title:** relative to public hearings, notice, and the filing of rules under the administrative procedure act.

am 171, psd 184, S nonconc 996

**HB 479-FN-A,** increasing the personal needs allowance of nursing home residents and making an appropriation therefor.

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**HB 497-FN-A,** relative to an equipment challenge grant program for vocational and technical education programs and making an appropriation therefor.

**new title:** relative to an equipment challenge grant program for vocational and technical education programs.

**2nd new title:** relative to an equipment challenge grant program for vocational and technical education programs and making an appropriation therefor.

am & Approp 51-54, am 283-284, psd 303, nonconc S am, conf 1145, 1150, rep adop 1189, enr am 1233, enr 1245, appointments 1298 (Chapter 259)

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**HB 503,** relative to recovery of medical assistance payments.

am 73-74, psd 128, S conc 830, enr 856 (Chapter 30)

**HB 504-FN,** relative to utilization review programs.

**new title:** requiring licensure of medical utilization review entities.

am & Approp 66-69, psd 245-246, 257, conc S am 957, enr 1167 (Chapter 142)

**HB 505-FN,** relative to the distribution of the normal yield tax.

**new title:** relative to the normal yield tax, the extension of the reporting deadline for the study committee on clearcutting forest resources, the report of cut, and establishing a forest management and protection fund.

**2nd new title:** relative to the normal yield tax, the extension of the reporting deadline for the study committee on clearcutting forest resources, the report of cut, and creating a committee to study forest protection and management.

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- HB 518-FN**, relative to motor vehicle and boat registration revocations for court defaults and relative to the payment of court obligations.  
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- HB 524-FN**, to allow municipalities to determine the net income requirements under the optional adjusted elderly property tax exemption.  
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- HB 526-FN**, authorizing sentencing to extended terms of imprisonment by district court justices.  
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**2nd new title:** relative to transfers to the state prison.  
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- HB 527-FN-A**, licensing speech-language pathologists and making an appropriation therefor.  
SO 229, Approp (RC) 248-251, am 390-391, psd 407, conc S am 1146, enr am 1233, enr 1246 (Chapter 264)
- HB 534-FN**, amending the habitual offender penalties to provide for special alternative incarceration.  
am 74-75, psd 128, S conc 829, enr 856 (Chapter 31)
- HB 540-FN**, to tax certain faculty quarters located at private educational institutions.  
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- HB 545**, reapportioning the executive council districts.  
ext 245, am 392-393, psd 408, S conc 830, enr 951 (Chapter 61)
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- HB 569**, to reapportion county commissioner districts.  
ext 245, am 393-395, psd 408, S conc 830, enr 955 (Chapter 62)
- HB 582-FN**, relative to ozone-depleting compounds.  
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- HB 584-FN**, relative to mandatory automobile insurance.  
K (RC) 151-155
- HB 585-FN**, recodifying the laws relative to emergency medical services.  
rcmt 173, am 266-277, psd 303, conc S am 817, enr 952 (Chapter 48)
- HB 590-FN**, relative to employee leaves of absence for family and catastrophic medical purposes.  
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- HB 591**, reapportioning the state house of representatives districts.  
**new title:** reapportioning the state house of representatives and the state senate districts.  
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- HB 599-FN**, relative to the storage and disposal of low-level radioactive waste.  
SO 183, 229, K (RC) 251-255
- HB 601-FN-A**, establishing a public access advisory board and a statewide public boat access program on public waters and continually appropriating a special fund for the purposes of the program.  
**new title:** establishing a public water access advisory board and a statewide public boat access program and continually appropriating a special fund for the purposes of the program.  
**2nd new title:** establishing a public water access advisory board and a statewide public boat access program and continually appropriating a special fund for the purposes of the program and creating a new class of highways for access to public waters.  
rem 42, rcmt 126-127, rem 366, am & Approp 425-429, am 751-757, psd 805, nonconc S am, conf 1021, 1141, rep adop 1189, enr am 1233-1234, enr 1246, appointments 1299 (Chapter 265)
- HB 602-FN-A**, reinstating the dental program for children and making an appropriation therefor.  
rcmt 104-105, am & Approp 255, rem 366, K 420
- HB 614-FN-A**, relative to restoring the sunset process and making an appropriation therefor.  
K 63
- HB 615-FN**, relative to sand and gravel.  
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- HB 616-FN**, relative to discrimination in insurance policies.  
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- HB 623-FN**, relative to contracts negotiated by public employers.  
K 84
- HB 632-FN**, relative to special education.  
**new title:** relative to administrative due process hearings concerning special education disputes and establishing a committee to study alternative methods of dispute resolution for the special education of educationally disabled students.  
am 165-167, psd 184, S conc 958, enr 1143, appointments 1284-1285 (Chapter 114)
- HB 639-FN**, establishing reuse and same use beverage container requirements.  
K 168
- HB 642-FN**, relative to the regulation of cable television.  
rem 42, K 127
- HB 646-FN**, relative to the disposal of certain solid waste products and leaf and yard waste.  
psd 169, 184, nonconc S am, conf 1020, 1148, 1152, rep adop 1189, enr am 1234, enr 1246 (Chapter 266)
- HB 651-FN**, establishing a hazardous materials cleanup fund.  
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- HB 654-FN**, establishing an ethics committee to regulate public officials.  
study 83
- HB 663-FN-A**, establishing a pilot project in the Sullivan county superior court to train volunteer attorneys to serve as mediators and making an appropriation therefor.  
am & Approp 75, K 260
- HB 675-FN**, relative to DWI penalties while operating a motor vehicle, OHRV, or boat or while transporting a child.  
**new title:** relative to DWI penalties while operating a motor vehicle, OHRV, or boat or while transporting a child, and establishing that fines for summonses for motor vehicle violations for which a plea may be made by mail be paid to the division of motor vehicles and making an appropriation therefor.  
am 75-81, psd 128, nonconc S am, conf 1020, 1150, rep adop 1189, enr am 1235-1237, enr 1246 (Chapter 257)
- HB 677-FN**, establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases.  
**new title:** establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases and making an appropriation therefor.  
**2nd new title:** establishing a 2-year pilot program in Rockingham county eliminating the trial de novo system in misdemeanor cases.  
am & Approp 120-122, am 260-261, psd 302, S conc 1249, enr 1246 (Chapter 223)
- HB 679-FN**, relative to New Hampshire compliance with the Clean Air Act.  
K 169
- HB 681-FN**, relative to a private property protection act.  
K 81
- HB 686-FN-A**, establishing a trauma care registry and making an appropriation therefor.  
K 69
- HB 687-FN**, relative to medicare balance charges.  
K 158-159
- HB 689-FN**, relative to administrative motor vehicle license revocation.  
**new title:** relative to implied consent and administrative motor vehicle license suspension.  
rcmt 177, am 572-576, psd 670, recon notice 750, recon rej 804, nonconc S am, conf 1140, 1150, rep adop 1189, enr am 1237, enr 1246 (Chapter 258)
- HB 693-FN**, relative to disclosure of tax records related to investigations by the attorney general and relative to forfeiture of items seized in connection with controlled drug offenses.  
**new title:** relative to forfeiture of items seized in connection with controlled drug offenses.  
SO 177, am & Approp 212-218, am 261, psd 302, recon notice 303, conc S am 997, enr 1215 (Chapter 182)
- HB 695-FN**, relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks.  
SO 125, am & Approp 130-133, ext 245, study 320
- HB 697-FN**, relative to compliance with local codes and zoning ordinances and the operation of child day care agencies.  
study 84
- HB 698-FN**, relative to debt collection agencies and consumer credit reporting agencies.  
K 51
- HB 699-FN**, relative to solid waste reduction.  
SO 169-170, K (RC) 209-212
- HB 712-FN**, relative to access to health care for the uninsured.  
study 70

- HB 714-FN**, relative to life saving identification labels.  
**new title:** relative to a life saver i.d. program.  
 am 91-93, psd 128, S conc 831, enr 952 (Chapter 65)
- HB 716-FN**, relative to site assessment studies of developed properties with sewage disposal systems.  
**new title:** relative to establishing a committee to study septic-related issues.  
 am 93-94, psd 128, S nonconc 817
- HB 718-FN**, relative to improving access to health insurance coverage for employees of small and moderate sized businesses.  
 study 51
- HB 726-FN-A**, relative to vital records and continually appropriating a fund for records automation.  
**new title:** relative to fees charged for vital records.  
 am 70-72, psd 127, S conc 857, enr 952 (Chapter 66)
- HB 730-FN**, imposing a fee on all motor vehicles and granting certain rulemaking authority to the division of air resources.  
 K 170
- HB 740-FN**, relative to campaign expenditures.  
**new title:** relative to increasing political expenditure limitations for certain candidates and relative to the penalty for exceeding total expenditure limitations.  
**2nd new title:** increasing political expenditure limitations for certain candidates, relative to the penalty for exceeding total expenditure limitations, establishing a campaign spending administrative account and relative to reporting requirements for candidates.  
**3rd new title:** increasing political expenditure limitations for certain candidates, relative to the penalty for exceeding total expenditure limitations, establishing a campaign spending administrative account, relative to reporting requirements for candidates, and making a supplemental appropriation to the secretary of state.  
 rcmt 164, am 286-287, psd 303, nonconc S am, conf 1020, 1141, SO 1189, S rej rep, new conf 1206, rules suspended & rep adop 1220-1221, enr am 1237-1238, enr 1246 (Chapter 267)
- HB 744-FN**, relative to restricting all town and district regular business meetings and elections from being held on biennial election day.  
 K 51
- HB 747-FN**, relative to liquor stores.  
**new title:** establishing a committee to study ways for retail liquor store operations to maximize state revenues while maintaining adequate service to the community and allowing the liquor commission to vary its liquor prices from store to store.  
 am 86-87, psd 128, S nonconc 959
- HB 758-FN**, relative to the right to privacy act.  
 am 81, psd 128, nonconc S am, conf 1146, 1150, rep adop 1190, enr 1246 (Chapter 268)
- HB 762-FN**, to incorporate the inhabitants of the northeasterly part of Laconia into a separate town to be known as Weirs Beach, with all the privileges and immunities of other towns in this state.  
 am (RC) 141-150, psd 184, S nonconc 829
- HB 763-FN-A**, to fund state aid to education, to provide for property tax relief for cities and towns and individuals, to amend the state tax structure, and making an appropriation therefor.  
 SO 204, study (2 RCs) & remarks 741-749
- HB 772-FN**, exempting land at aeronautical facilities from taxation.  
 study 84
- HB 775-FN**, relative to social security cost-of-living increases to certain recipients of assistance.  
 K 173
- HB 776-FN**, establishing a household hazardous waste management program and advisory committee and a consumer education program on household hazardous wastes.  
**new title:** establishing a household hazardous waste management program and a consumer education program on household hazardous wastes.  
 am & Ways and Means 110-113, study 288-289
- HB 778-FN**, relative to the laws against discrimination.  
 SO 183, am 230-243, psd 243, nonconc S am, conf 1149-1150, 1152, rep adop 1190, enr am 1238-1239, enr 1246 (Chapter 224)
- HB 781-FN**, relative to extending foster care and establishing a uniform cut-off date for school children.  
 K 42
- HB 783**, relative to prior DWI convictions.  
**new title:** relative to motor vehicle records and DWI convictions and establishing new positions within the division of public health services.



**2nd new title:** relative to motor vehicle records and DWI convictions.  
am & Approp 82, am 246, psd 257, S conc 829, enr 832 (Chapter 32)

## 1992 SESSION HOUSE BILLS

- HB 1000**, providing for taking the sense of the legal voters of the state on the question of calling a constitutional convention. (Gross, Merrimack 16, et al, to Constitutional and Statutory Revision)  
**new title:** establishing a study committee on certain issues regarding the next constitutional convention and authorizing a special election for electing Concord charter commission members.  
9, rules suspended, am & psd 38-39, S conc 128, enr 129, appointments 1285 (Chapter 1)
- HB 1001 - 1004**, not introduced
- HB 1005**, relative to the reapportionment of house districts within cities and the election of delegates to state party conventions. (Cowenhoven, Hillsborough 9, et al, to Constitutional and Statutory Revision)  
intro & rules suspended 493, am (RC) 719-732, rules suspended 733, psd 736, remarks 736-737, nonconc S am, conf 1149, 1150, rep adop 1190, enr 1246 (Chapter 183)
- HB 1006 - 1024**, not introduced
- HB 1025-A**, relative to budget adjustments for fiscal years 1992 and 1993. (Hager, Merrimack 21, to Appropriations)  
308, rules suspended 334, am (2 RCs) 769-799, psd 805, nonconc S am, conf 951, 956, rep adop 1190, S rej rep, new conf 1206-1207, 1215, recon & new conf rej 1225, enr 1246 (Chapter 256)
- HB 1026** relative to a companion bill to the supplemental budget. (Hager, Merrimack 21, to Appropriations)  
500, psd 767, 805, nonconc S am, conf 956, 996, SO 1190, conf rep rej (RC) & new conf 1200-1203, 1215, rep adop (RC) 1254-1257, enr am 1257-1258, enr 1266, veto overridden (RC) 1276-1281, appointments 1285 (Chapter 289)
- HB 1027-A**, making supplemental appropriations for fiscal year 1992. (Hager, Merrimack 21, to Appropriations)  
815, rules suspended & psd 824, 825 (not intro in S)
- HB 1028 - 1049**, not introduced
- HB 1050-FN-L**, limiting outdoor advertising devices and increasing permit fees for maintaining outdoor advertising devices. (Gross, Merrimack 16, to Resources, Recreation and Development)  
9, rem 366, am (RC) 429-438, psd 439, nonconc S am 1147
- HB 1051**, relative to procedures for offers of judgment in the district and superior courts. (Gross, Merrimack 16, to Judiciary)  
9, K 372
- HB 1052**, relative to the appointment of the executive director of the fish and game department and allowing the governor to make more frequent appointments to the fish and game commission. (Gross, Merrimack 16, to Executive Departments and Administration)  
9, am 410-411, psd 439, nonconc S am, conf 1020, 1141, rep adop 1190, enr 1246 (Chapter 225)
- HB 1053-A**, relative to state revenues and expenditures. (Gross, Merrimack 16, to Appropriations)  
9, am 294-298, psd 303, conc S am 438-439, enr 442 (Chapter 6)
- HB 1054-FN**, relative to the industrial development authority. (Gross, Merrimack 16, et al, to Economic Development)  
9, am & Approp 395-398, psd 556, 670, conc S am 817, enr 952 (Chapter 46)
- HB 1055-FN-A**, relative to the telephone property tax. (Gross, Merrimack 16, to Ways and Means)  
10, K 282
- HB 1056-FN-A**, relative to a business tax and making an appropriation therefor. (Gross, Merrimack 16, to Ways and Means)  
10, K 586
- HB 1057-FN-L**, increasing flat and prorated motor vehicle registration fees and relative to revenue sharing. (Gross, Merrimack 16, to Transportation)  
10, K 318
- HB 1058-FN**, relative to a furlough program for state employees. (Gross, Merrimack 16, to Appropriations)  
10, LT 757-758, S Ct opin printed & K 1268-1276
- HB 1059-FN**, relative to the payment schedule for the medicaid enhancement tax. (Gross, Merrimack 16, to Ways and Means)  
10, K 586
- HB 1060 - 1099**, not introduced
- HB 1100-FN-L**, establishing a housing assistance trust fund. (S. Green, Hillsborough 36, to State Institutions and Housing)  
10, psd 288, 303, conc S am 554, enr 810 (Chapter 12)

- HB 1101-FN**, relative to certain liquor license fees. (Behrens, Sullivan 3, et al, to Regulated Revenues)  
**new title:** relative to certain liquor license fees and expanding certain prohibitions regarding competing interest in liquor and wine sales.  
 10, am 316, psd 332, conc S am 1021, enr am 1239-1240, enr 1246 (Chapter 226)
- HB 1102-FN-L**, increasing fees for witnesses. (Pantelakos, Rockingham 24, et al, to Judiciary)  
 10, K 400
- HB 1103-FN-L**, requiring any animal which has bitten a human being to be tested for rabies. (Roulston, Rockingham 20, to Health, Human Services and Elderly Affairs)  
 10, K 277
- HB 1104-FN**, relative to capitalization of the affordable housing fund. (D. Sytek, Rockingham 20, et al, to State Institutions and Housing)  
 10, psd 327, 332, nonconc S am 1145
- HB 1105**, relative to requiring disclosure of campaign contributions by candidates for local and school district elections. (T. Christie, Merrimack 9, to Constitutional and Statutory Revision)  
**new title:** relative to disclosure of campaign contributions by candidates for local and school district elections.  
 10, am 618-620, psd 671, nonconc S am, conf 1020-1021, 1141, rep adop (K) 1190
- HB 1106**, establishing a study committee to consider organization of a state housing and urban development program (HUD). (S. Green, Hillsborough 36, to State Institutions and Housing)  
 10, K 288
- HB 1107-L**, requiring that tax collectors provide property owners with notices of arrearages for property taxes. (Golden, Belknap 7, to Municipal and County Government)  
 10, am 314, psd 332, S conc 831, enr 952 (Chapter 49)
- HB 1108**, authorizing valid living wills executed in other states to be recognized in New Hampshire. (Corte, Strafford 6, to Judiciary)  
 10, psd 530, 553, S conc 951, enr 955 (Chapter 67)
- HB 1109**, relative to criminal threatening. (Daly, Carroll 3, to Judiciary)  
 10, K 576
- HB 1110**, relative to the method of electing delegates to state party conventions. (Flanagan, Rockingham 8, to Constitutional and Statutory Revision)  
 10, psd 355-356, 363, S conc 951, enr 955 (Chapter 68)
- HB 1111**, relative to liquor and beverage licensees delinquent in paying accounts and relative to advertising liquor and beverages. (Behrens, Sullivan 3, to Regulated Revenues)  
 10, am 341, psd 363, S conc 958, enr 1143 (Chapter 115)
- HB 1112**, providing that penalty assessments not be counted in determining whether total fines and penalties exceed \$500. (C. Brown, Grafton 13, to Judiciary)  
 10, K 576
- HB 1113**, relative to compatible and conflicting liquor and beverage licenses. (Behrens, Sullivan 3, to Regulated Revenues)  
 10, am 316-317, psd 332, conc S am 1021, enr 1167 (Chapter 144)
- HB 1114**, adding and changing certain definitions in the liquor laws including "billboard," "common carrier," "happy hour," "public building," "racetrack," "private group," and "liquor and wine import warehouse." (Behrens, Sullivan 3, to Regulated Revenues)  
**new title:** adding and changing certain definitions in the liquor laws and relative to the transportation of wine and liquor.  
 10, am 341-342, psd 363, conc S am 997-998, enr 1207 (Chapter 145)
- HB 1115**, changing obsolete references within the liquor laws. (Behrens, Sullivan 3, et al, to Regulated Revenues)  
 10, psd 317, 332, S conc 958, enr 1167 (Chapter 146)
- HB 1116**, relative to certain liquor and beverage licenses. (Behrens, Sullivan 3, et al, to Regulated Revenues)  
 11, psd 317, 332, conc S am 1021, enr 1207 (Chapter 147)
- HB 1117**, relative to the minimum age requirements for liquor license applicants, relative to employing minors in licensed establishments, and relative to games and amusements on the premises of on-sale licensees. (Behrens, Sullivan 3, et al, to Regulated Revenues)  
 11, rem 308, am 330-331, psd 332, nonconc S am, conf 1149, 1150, rep adop 1190, enr 1246 (Chapter 227)
- HB 1118**, relative to membership of the permanent committee for barrier-free design. (D. Sytek, Rockingham 20, to State Institutions and Housing)  
 11, psd 515, 553, S conc 857, enr 952 (Chapter 50)
- HB 1119**, relative to the New Hampshire automated information system board. (S. Green, Hillsborough 36, to State Institutions and Housing)  
 11, psd 281, 303, S conc 831, enr 952, appointments 1298-1299 (Chapter 51)
- HB 1120-FN**, relative to increasing the number of times a person may assist at certain bingo and lucky 7 games. (Fenton, Hillsborough 20, to Regulated Revenues)  
 11, K 512

- HB 1121-FN**, authorizing contracting for the operation of the impaired pharmacist program and funding the program from annual license renewal fees. (D. Sytek, Rockingham 20, to Executive Departments and Administration)  
11, psd 411, 439, S conc 816, enr 817 (Chapter 20)
- HB 1122**, relative to standards for labeling cider. (M. Campbell, Rockingham 20, to Environment and Agriculture)  
**new title**: establishing a committee to study all areas of apple cider standards, licensing and labeling.  
11, am 367, psd 407, S conc 857, enr 952, appointments 1285 (Chapter 52)
- HB 1123**, preventing attorney participation in small claims actions. (Klemarczyk, Rockingham 13, et al, to Judiciary)  
**new title**: establishing procedures for representation in small claims court and authorizing persons to appear for corporations, partnerships, and trusts in district court.  
**2nd new title**: establishing procedures for representation of corporations, partnerships, and trusts in small claims actions.  
11, am 576-577, psd 671, nonconc S am, conf 997, 1141, 1168, rep adop 1190, enr 1246 (Chapter 228)
- HB 1124-L**, allowing a town to apply certain rental welfare assistance payments to certain amounts owed to a town for the assisted person's landlord's delinquent water, sewer, or tax payments. (Rodeschin, Sullivan 2, et al, to Municipal and County Government)  
**new title**: allowing a town to apply certain rental welfare assistance payments to certain amounts owed to a town for the assisted person's landlord's delinquent water, sewer, electricity or tax payments and relative to interest rates on security deposits.  
11, am 461-462, psd 471, S conc 958, enr 1194 (Chapter 184)
- HB 1125-FN-L**, relative to an agency's violation of certain notice requirements to municipalities. (Senter, Rockingham 9, to Executive Departments and Administration)  
11, study 368
- HB 1126-FN**, allowing the public utilities commission to appoint a receiver or to take over the operations of any utility with annual revenues below \$2,000,000 which fails to provide adequate service. (Rodeschin, Sullivan 2, to Science, Technology and Energy)  
11, am 347-348, psd 363, S conc 958, enr 1171 (Chapter 169)
- HB 1127-FN-L**, abolishing the current use tax. (T. Christie, Merrimack 9, to Environment and Agriculture)  
11, K 459
- HB 1128**, classifying certain misdemeanors as either class A or class B. (Lown, Hillsborough 9, et al, to Judiciary)  
11, am 623-627, psd 671, nonconc S am, conf 1020, 1141, 1152, 1168, rep adop 1190, enr 1246 (Chapter 269)
- HB 1129**, designating the insurance department as the regulatory body for approval of motor vehicle warranty agreements. (Krueger, Sullivan 6, to Commerce, Small Business and Consumer Affairs)  
11, am 261-262, psd 302, nonconc S am, conf 956, 1018, K 1282
- HB 1130**, relative to ejecting persons from racetracks whose presence is inconsistent with proper conduct of a race meet. (R. Kelley, Hillsborough 13, et al, to Regulated Revenues)  
**new title**: relative to ejecting persons from racetracks whose presence is inconsistent with proper conduct of a race meet and relative to unclaimed pari-mutuel pool tickets.  
**2nd new title**: relative to ejecting persons from racetracks whose presence is inconsistent with proper conduct of a race meet, relative to unclaimed pari-mutuel pool tickets and extending the existing capital improvement and promotional fund for greyhound racetracks.  
11, am 342-343, psd 363, conc S am 1141, enr 1194 (Chapter 185)
- HB 1131**, relative to liability for unauthorized disclosure of confidential telecopy wire communications. (M. Hill, Merrimack 14, et al, to Science, Technology and Energy)  
11, study 765
- HB 1132-L**, changing the definition of residence for property in industrial or commercial zones for property tax purposes. (J. Johnson, Merrimack 11, to Municipal and County Government)  
12, K 451
- HB 1133**, requiring a judge to give certain instructions to the jury in any criminal case or in a civil case whenever government is a party to the trial. (Warburton, Rockingham 6, to Judiciary)  
12, K 372
- HB 1134-FN**, establishing a special fund from the sale of timber harvested on fish and game department property for wildlife management purposes. (Drake, Rockingham 18, et al, to Fish and Game)  
12, Approp 265, K 673
- HB 1135**, relative to liquidation under the supervision of the bank commissioner. (B. Packard, Hillsborough 15, et al, to Commerce, Small Business and Consumer Affairs)  
12, am 501, psd 553, S conc 958, enr 1017 (Chapter 98)

- HB 1136**, relative to regulation of small loans. (B. Packard, Hillsborough 15, et al, to Commerce, Small Business and Consumer Affairs)  
**new title:** relative to the regulation of small loans and second mortgage home loans.  
 12, am 443-444, psd 470, nonconc S am, conf 1140, 1150, rep adop 1190, enr 1246 (Chapter 229)
- HB 1137**, relative to nondepository first mortgage bankers and brokers. (B. Packard, Hillsborough 15, et al, to Commerce, Small Business and Consumer Affairs)  
 12, am 444-445, psd 470, S conc 958, enr 1017 (Chapter 99)
- HB 1138**, relative to the board of trust company incorporation's consideration of petitions for incorporation of savings banks. (B. Packard, Hillsborough 15, et al, to Commerce, Small Business and Consumer Affairs)  
 12, psd 262, 302, nonconc S am, conf 1140, 1150, 1168, SO 1190, S rej rep, new conf 1204, rules suspended 1220, rep adop 1221, enr 1246 (Chapter 230)
- HB 1139**, relative to consumer inquiries regarding persons licensed to offer second mortgage home loans. (B. Packard, Hillsborough 15, et al, to Commerce, Small Business and Consumer Affairs)  
**new title:** relative to persons licensed to offer second mortgage home loans.  
 12, am 445-447, psd 470, S conc 958, enr 1167 (Chapter 131)
- HB 1140**, relative to exempting New Hampshire banks from acquisitions by out-of-state banks. (B. Packard, Hillsborough 15, et al, to Commerce, Small Business and Consumer Affairs)  
**new title:** relative to exempting New Hampshire banks from acquisitions by out-of-state banks and bank holding companies.  
 12, psd 262, 302, conc S am 1019, enr 1207 (Chapter 148)
- HB 1141**, relative to retail installment sales of motor vehicles. (B. Packard, Hillsborough 15, et al, to Commerce, Small Business and Consumer Affairs)  
 12, am 501-502, psd 553, S conc 958, enr 1144 (Chapter 116)
- HB 1142**, permitting the bank commissioner to delegate duties and responsibilities. (B. Packard, Hillsborough 15, et al, to Commerce, Small Business and Consumer Affairs)  
 12, am 262, psd 302, conc S am 956, enr 1143 (Chapter 117)
- HB 1143-FN-A**, relative to administrative fines, court fines for violations of weights and measures laws and continually appropriating a special account to the bureau of weights and measures. (M. Campbell, Rockingham 20, to Environment and Agriculture)  
**new title:** relative to administrative fines, court fines for violations of weights and measures laws, continually appropriating a special account to the bureau of weights and measures, and increasing the per-brand registration fee for commercial feed.  
**2nd new title:** increasing the per-brand registration fee for commercial feed and establishing an agricultural product and scale testing fund.  
 12, ext 258-259, am & Approp 448-449, rules suspended 471, rem 556, am 668-669, psd 671, S nonconc 1019
- HB 1144**, relative to the examination of school bus operators. (Hoelzel, Rockingham 6, et al, to Transportation)  
 12, psd 348, 363, S conc 831, enr 955 (Chapter 69)
- HB 1145**, establishing a study committee to study the feasibility of making the Gunstock Ski Area a state ski area. (Salatiello, Belknap 3, et al, to Resources, Recreation and Development)  
 12, K 279
- HB 1146-FN**, relative to notification prior to pesticide spraying. (White, Grafton 6, to Environment and Agriculture)  
 12, K 336
- HB 1147**, creating a committee to study redrawing county boundaries. (DePecol, Cheshire 12, to Municipal and County Government)  
 12, K 278
- HB 1148**, relative to technical corrections in certain tax laws. (Ahrens, Hillsborough 13, to Ways and Means)  
 13, psd 350, 363, conc S am 813, enr 814 (Chapter 13)
- HB 1149**, prohibiting any person employed on a salaried basis by a school administrative unit or by any school district from serving on any school board within the state. (Shibley, Belknap 6, et al, to Education)  
 13, K 313
- HB 1150-FN-L**, relative to requiring peace officers to use belt-style handcuffs. (T. Christie, Merrimack 9, to Public Protection and Veterans Affairs)  
 13, K 247
- HB 1151**, transferring the jurisdiction over the Dolloff building at New Hampshire hospital from the division of mental health and developmental services to the department of cultural affairs. (W. Boucher, Rockingham 23, to State Institutions and Housing)  
**new title:** transferring the jurisdiction over the Walker building at New Hampshire hospital from the division of mental health and developmental services to the department of cultural affairs and establishing a committee to study the economic feasibility of utilizing vacant space at the New



Hampshire hospital for certain state offices.

**2nd new title:** establishing a committee to study the economic feasibility of utilizing vacant space at the New Hampshire hospital for certain state offices.

13, am & Approp 515-517, am 767-768, psd 805, S conc 958, enr 1137, appointments 1285-1286 (Chapter 100)

**HB 1152,** authorizing the office of child support enforcement services, a dependent child or his parent or guardian to receive directly from a health insurer a certificate of insurance covering any dependent child. (Wallner, Merrimack 21, et al, to Children, Youth and Juvenile Justice)  
13, am 335, psd 362, S conc 831, enr 856 (Chapter 33)

**HB 1153-FN-A,** authorizing the division of human services to assess an administrative fine on employers for failing to comply with an assignment order and continually appropriating such fines to the division. (Wallner, Merrimack 21, et al, to Children, Youth and Juvenile Justice)  
**new title:** authorizing the division of human services to assess an administrative fine on employers for failing to comply with an assignment order.  
13, am & Approp 310-311, rules suspended 334, am 674, psd 749, S conc 958, enr 1017 (Chapter 101)

**HB 1154,** relative to an exemption for the sale of hypodermic syringes for school use. (Spencer, Strafford 4, et al, to Health, Human Services and Elderly Affairs)  
13, am 370-371, psd 407, S conc 958, enr 1137 (Chapter 102)

**HB 1155-L,** relative to school attendance laws and homeless children. (J. White, Hillsborough 45, et al, to Education)  
13, am & Approp 456-458, rules suspended 471, study 674

**HB 1156,** changing the annual rate of interest on judgments and business transactions. (LaMott, Grafton 5, et al, to Commerce, Small Business and Consumer Affairs)  
13, am 447, psd 470, S nonconc 1019

**HB 1157,** requiring that the information contained in a deed be based on the most recently available information, as contained in the tax map. (Feuer, Cheshire 4, to Judiciary)  
13, K 372

**HB 1158,** repealing notice requirements for encroachment waivers. (Roulston, Rockingham 20, to Resources, Recreation and Development)  
13, K 279

**HB 1159-FN,** relative to when municipal sewage disposal systems are considered public utilities. (Rodeschin, Sullivan 2, to Science, Technology and Energy)  
**new title:** relative to when municipal sewage disposal systems are considered public utilities and directing the university of New Hampshire and the department of environmental services to study the use of municipal solid waste bottom ash as daily landfill cover for lined landfills.  
13, psd 348, 363, conc S am 1142, enr 1171 (Chapter 170)

**HB 1160-FN-A,** allowing wine retailers to sell liquor. (T. Christie, Merrimack 9, to Regulated Revenues)  
13, K 248

**HB 1161,** relative to the composition of the wetlands board. (Roulston, Rockingham 20, to Executive Departments and Administration)  
13, psd 411, 439, S conc 1149, enr 1194 (Chapter 186)

**HB 1162,** permitting advanced emergency medical care providers to possess or administer prescription drugs or controlled substances. (Senter, Rockingham 9, to Health, Human Services and Elderly Affairs)  
13, K 506

**HB 1163,** granting a public employee the right to require that a nonpublic session under the right-to-know law be open to the public. (Burling, Sullivan 1, et al, to Judiciary)  
**new title:** relative to a public employee's right to require that a nonpublic session under the right-to-know law be open to the public.  
13, am 372-373, psd 407, S conc 829, enr 832 (Chapter 34)

**HB 1164,** relative to seaplanes operating on bodies of water in New Hampshire. (Dwyer, Hillsborough 41, et al, to Transportation)  
14, am 517-518, psd 553, conc S am 957, enr am 1170, enr 1225 (Chapter 187)

**HB 1165-FN,** requiring state agencies to reuse waste motor oil. (D. Wheeler, Hillsborough 10, to Environment and Agriculture)  
14, K 367-368

**HB 1166,** changing the definition of "commercial boat" for the purposes of boat registration and limiting rafting of boats. (Malcolm, Rockingham 17, et al, to Transportation)  
**new title:** changing the definition of "commercial boat" for the purposes of boat registration and granting a muffler exemption for antique and classic boats.  
14, am 518-519, psd 553, conc S am 958, enr 1167 (Chapter 132)

**HB 1167,** relative to the police commission in the town of Conway. (Allard, Carroll 2, to Municipal and County Government)  
14, am 509-510, psd 553, nonconc S am 1140

- HB 1168-FN**, relative to acquiring the Gumpus Pond dam. (Fenton, Hillsborough 20, et al, to Resources, Recreation and Development)  
14, study 383
- HB 1169-FN**, relative to free boat registration and boat trailer registration for members of the marine patrol. (Burling, Sullivan 1, to Transportation)  
14, K 318
- HB 1170-L**, relative to the use of revenue derived from parking meters for public transportation systems. (Soldati, Merrimack 19, et al, to Municipal and County Government)  
14, K 462
- HB 1171**, establishing a statute of limitations for filing motions relative to alimony payments. (Doucette, Cheshire 17, to Judiciary)  
14, K 373
- HB 1172**, increasing the amount of the homestead right. (Melnick, Rockingham 23, to Municipal and County Government)  
14, am 451-452, psd 471, conc S am 957, enr 1144 (Chapter 118)
- HB 1173**, allowing a beneficial interest owner of a trust owning real estate to qualify for property tax exemptions and credits. (Benton, Rockingham 5, to Municipal and County Government)  
**new title:** allowing a beneficial interest owner of a trust owning real estate to qualify for property tax exemptions and credits and allowing the veterans' exemption for service in the Gulf War.  
14, am 452-453, psd 471, S conc 951, enr 955 (Chapter 70)
- HB 1174**, to allow a person to serve only on the conservation commission, the planning board, or the zoning board of adjustment at the same time. (Felch, Rockingham 14, et al, to Municipal and County Government)  
14, K 453
- HB 1175**, creating a committee to study medical liability insurance in New Hampshire. (Asplund, Merrimack 10, et al, to Commerce, Small Business and Consumer Affairs)  
14, am 447, psd 470, nonconc S am, conf 956, 1018, rep adop K 1190
- HB 1176**, relative to a state referendum question on increasing the size of the senate and decreasing the size of the house. (Teague, Merrimack 18, et al, to Constitutional and Statutory Revision)  
14, K 620
- HB 1177**, authorizing towns and cities to abate property taxes on property used for educational purposes. (Warburton, Rockingham 6, to Municipal and County Government)  
14, K 246
- HB 1178**, extending the appropriation for the Manchester district court facility. (O'Rourke, Hillsborough 35, et al, to Public Works)  
**new title:** extending appropriations for the Manchester district court facility and for the department of environmental services.  
14, psd 511, 553, conc S am 997, enr 1167 (Chapter 149)
- HB 1179**, relative to service of civil process by private citizens. (Fenton, Hillsborough 20, et al, to Judiciary)  
14, K 627
- HB 1180**, banning the use of headphones by motorists, bicyclists, and moped operators. (Calawa, Hillsborough 14, et al, to Transportation)  
14, K 327
- HB 1181-L**, relative to the current use value of land which is posted. (Tetu, Sullivan 8, to Environment and Agriculture)  
15, K 336
- HB 1182-FN**, authorizing the division of human services to establish a system to recoup child support payments made in error, clarifying confidentiality of certain information and limiting the division's authority to enforce support orders. (Wallner, Merrimack 21, et al, to Children, Youth and Juvenile Justice)  
**new title:** authorizing the division of human services to establish a system to recoup child support payments made in error, clarifying confidentiality of certain information and allowing the division to close certain cases.  
**2nd new title:** authorizing the division of human services to establish a system to recoup child support payments made in error and to establish a child support payment error reserve fund, clarifying confidentiality of certain information and allowing the division to close certain cases.  
**3rd new title:** authorizing the division of human services to establish a system to recoup child support payments made in error, clarifying confidentiality of certain information, and allowing the division to close certain cases.  
15, am 311-312, psd 332, nonconc S am, conf 1019, 1141, rep adop 1191, enr am 1240-1241, enr 1246 (Chapter 270)
- HB 1183-FN**, relative to the importation, propagation and possession of aquatic and wildlife species. (Drake, Rockingham 18, et al, to Fish and Game)  
15, am 567-570, psd 670, S conc 958, enr 1171 (Chapter 171)

- HB 1184-FN**, relative to special number plates for certain veterans. (Rubin, Rockingham 19, to Transportation)  
15, study 281
- HB 1185-FN**, authorizing the department of transportation to conduct surveys over certain roads, grant road toll refunds to certain nonprofit corporations, prescribe special rules for student driver training, and exempt certain transportation operations from certain motor carrier statutes. (Weeks, Merrimack 21, et al, to Transportation)  
**new title:** authorizing the department of transportation to conduct surveys over certain roads, prescribe special rules for student driver training, exempt certain transportation operations from certain motor carrier statutes and relative to laying out class I and II highways.  
15, am 357-359, psd 363, conc S am 1146, enr 1207 (Chapter 150)
- HB 1186-FN**, authorizing the department of fish and game to purchase certain dams in the town of Canterbury. (Schanda, Rockingham 12, et al, to Fish and Game)  
**new title:** authorizing the department of fish and game to purchase the Morrill Pond dam and abutting property in the town of Canterbury.  
**2nd new title:** assigning certain dams to the department of fish and game, transferring funds to the dam maintenance fund and authorizing the department of fish and game to purchase the Morrill Pond dam and abutting property in the town of Canterbury.  
15, Approp 265, am 674-675, psd 749, conc S am 957, enr 1207 (Chapter 151)
- HB 1187**, making it first degree assault to knowingly or recklessly cause serious bodily injury to a person under 13 years of age. (Lozeau, Hillsborough 25, et al, to Judiciary)  
15, psd 627, 671, S conc 951, enr 955 (Chapter 71)
- HB 1188**, approving the operation of a water ski course on Squam Lake by the Squam Lake Ski Club. (Markley, Grafton 6, to Resources, Recreation and Development)  
15, com changed 41, study 519
- HB 1189**, relative to discrimination in the real estate appraiser industry and relative to appraisal education courses. (Emerton, Hillsborough 6, to Executive Departments and Administration)  
15, K 368
- HB 1190**, creating a committee to study ways to clarify the relationship between the legislative bodies and governing bodies in towns, school districts and village districts operating under the town meeting form of government with respect to budgetary matters. (Salatiello, Belknap 3, et al, to Municipal and County Government)  
15, psd 414, 439, S conc 1138, enr 1207, appointments 1286 (Chapter 152)
- HB 1191**, prohibiting insurance companies from cancelling a homeowner's policy solely on the basis that a claim has been filed. (Larochelle, Hillsborough 38, et al, to Commerce, Small Business and Consumer Affairs)  
**new title:** prohibiting insurance companies from nonrenewing a homeowner's policy solely on the basis that a claim has been filed.  
15, am 503, psd 553, conc S am 956, enr 1167 (Chapter 133)
- HB 1192**, relative to remedies under the whistleblowers' protection act. (Baroody, Hillsborough 39, et al, to Labor, Industrial and Rehabilitative Services)  
15, am 451, psd 471, S conc 951, enr 955 (Chapter 72)
- HB 1193-L**, exempting disabled and elderly property taxpayers from paying the school tax portion of property taxes. (Millard, Merrimack 4, to Municipal and County Government)  
15, K 246-247
- HB 1194**, establishing a fund for New Hampshire milk producers. (Millard, Merrimack 4, to Environment and Agriculture)  
15, study 449
- HB 1195**, requiring any continuing care facility operating under an exempt status to comply with requirements established for continuing care facilities if there is a substantial change in such facility's status. (Parks, Strafford 6, to Health, Human Services and Elderly Affairs)  
16, K 371
- HB 1196**, clarifying the amount to be paid from the firemen's relief fund in the event of a claim. (E. Dodge, Hillsborough 13, et al, to Executive Departments and Administration)  
16, psd 368, 407, S conc 958, enr 1017 (Chapter 103)
- HB 1197-FN**, requiring the Pease development authority to submit to the state's competitive bidding requirements. (Pepino, Hillsborough 37, to Executive Departments and Administration)  
16, study 411
- HB 1198**, requiring every public utility which is requesting a change in its rate structure to notify each affected municipality of the proposed change. (Calawa, Hillsborough 14, to Science, Technology and Energy)  
16, K 514
- HB 1199-FN**, regulating charges for towing and storage services for vehicles. (J. Johnson, Merrimack 11, to Transportation)  
16, K 318

- HB 1200-FN**, relative to blood alcohol tests and enrollment in substance abuse programs in domestic violence cases. (Senter, Rockingham 9, to Judiciary)  
16, K 578
- HB 1201-FN**, decreasing the license fees for domestic wine manufacturers and wine vendors. (Palazzo, Rockingham 16, et al, to Regulated Revenues)  
**new title:** relative to the license fee structure for domestic wine manufacturers.  
16, am 317-318, psd 332, S conc 958, enr 1137 (Chapter 104)
- HB 1202**, permitting municipalities that have biennial municipal elections to submit charter changes for approval at biennial state elections. (Gross, Merrimack 16, et al, to Constitutional and Statutory Revision)  
**new title:** permitting municipalities that have biennial municipal elections to submit charter changes for approval at biennial state elections, relative to filing for more than one seat on the same municipal board, and relative to the authority of the Concord charter commission.  
16, com changed 41, am 510, psd 553, conc S am 1140, enr 1144 (Chapter 96)
- HB 1203**, prohibiting the disclosure of local welfare records to the public. (Nardi, Hillsborough 35, to Health, Human Services and Elderly Affairs)  
16, K 314
- HB 1204**, requiring the director of motor vehicles to notify any seriously injured person when the director conducts a license revocation or suspension hearing regarding a motor vehicle accident involving a fatality or serious injury. (Soldati, Merrimack 19, et al, to Transportation)  
16, am 349, psd 363, S conc 816, enr 817 (Chapter 21)
- HB 1205-FN**, prohibiting the use of highway fund moneys for the purpose of purchasing property to compensate for wetlands taken for highway construction. (Whittemore, Merrimack 10, to Public Works)  
16, K 315
- HB 1206**, relative to the liability of agricultural operations. (Emerton, Hillsborough 6, to Judiciary)  
16, K 373
- HB 1207**, exempting hospice programs from certificate of need review. (Fair, Merrimack 7, to Health, Human Services and Elderly Affairs)  
**new title:** exempting hospice houses from certificate of need review.  
16, am 506-507, psd 553, S conc 831, enr 856 (Chapter 35)
- HB 1208**, requiring approval to increase daily load on a sewage disposal system and permitting any single family dwelling served by an approved holding tank to change from seasonal to full-time use. (Roulston, Rockingham 20, to Resources, Recreation and Development)  
16, K 513
- HB 1209**, establishing a committee to study the board of tax and land appeals hearing process. (Emerton Hillsborough 6, et al, to Municipal and County Government)  
**new title:** establishing a committee to study the real estate valuation and revaluation process.  
16, am 530-531, psd 554, conc S am 831, enr 952, appointments 1286 (Chapter 73)
- HB 1210**, naming the Karner Blue butterfly the state butterfly. (Soldati, Merrimack 19, et al, to Environment and Agriculture)  
16, psd 337, 362, S conc 816, enr 817 (Chapter 22)
- HB 1211**, permitting public employees to file an unfair labor practice complaint after a certain time without exhausting administrative remedies. (Melnick, Rockingham 23, et al, to Labor, Industrial and Rehabilitative Services)  
17, Approp 460-461, rules suspended 471, psd 556, 670, nonconc S am, conf 1140, 1148, rep rej (RC) 1191-1194, new conf 1194, S rej rep for new conf 1208
- HB 1212**, reducing the number of public employees required to certify a bargaining unit. (Melnick, Rockingham 23, et al to Labor, Industrial and Rehabilitative Services)  
17, K 413-414
- HB 1213**, clarifying that notice of claim of paternity be filed prior to a mother's voluntarily relinquishing her rights pursuant to an adoption. (Wallner, Merrimack 21, to Children, Youth and Juvenile Justice)  
17, am 500-501, psd 553, S conc 951, enr 955 (Chapter 74)
- HB 1214**, concerning the procedure for enforcement of certain state environmental laws by individuals. (Bradley, Carroll 6, to Resources, Recreation and Development)  
**new title:** establishing a study committee to assess present enforcement of certain state environmental laws by environmental regulatory agencies of the state of New Hampshire.  
17, am 513-514, psd 553, S nonconc 1019
- HB 1215**, repealing requirements for reporting income by certain county and municipal court officers. (Lown, Hillsborough 9, et al, to Municipal and County Government)  
17, K 510
- HB 1216**, allowing certain funds to be transferred to the new women's dormitory account at the New Hampshire technical institute. (LaMott, Grafton 5, to Executive Departments and Administration)  
17, Approp 368, psd 556, 670, S conc 816, enr 817 (Chapter 23)



- HB 1217-L**, requiring a peace officer to give written notice of certain charges to the county attorney. (Lozeau, Hillsborough 25, to Judiciary)  
17, am 578, psd 671, S conc 951, enr 955 (Chapter 75)
- HB 1218-FN-A**, authorizing the North Conway water precinct to hire a consultant to study the sewerage situation and making an appropriation therefor. (Allard, Carroll 2, to Appropriations)  
17, com changed 129, study 383
- HB 1219-FN**, requiring that claims paid on behalf of a medicaid assistance recipient be paid directly to the provider or the medicaid program and relative to recovery of assistance under the medicaid program. (Fair, Merrimack 7, et al, to Health, Human Services and Elderly Affairs)  
**new title:** relative to recovery of assistance under the medicaid program.  
17, am 371-372, psd 407, nonconc S am 997
- HB 1220-FN-L**, changing the method for calculating stumpage values for purposes of assessing the yield tax on timber. (Dickinson, Carroll 2, et al, to Resources, Recreation and Development)  
17, am 455, psd 471, S conc 951, enr 955 (Chapter 76)
- HB 1221-FN**, transferring all recycling program responsibilities of the department of environmental services to the office of state planning. (Millard, Merrimack 4, to Executive Departments and Administration)  
17, K 368
- HB 1222-FN-L**, establishing an out-of-district tuition program for pupils in school districts not maintaining their own high schools. (Burling, Sullivan 1, to Education)  
**new title:** authorizing schools to modify authorized regional enrollment area (AREA) agreements.  
17, am (RC) 522-526, psd 553, conc S am 956, enr 1167 (Chapter 134)
- HB 1223-FN**, granting the division of parks and recreation immunity from catastrophic accidents. (W. Boucher, Rockingham 23, to Judiciary)  
17, study 373
- HB 1224-FN-L**, relative to the fees charged for copies of vital records. (McDowell, Hillsborough 29, et al, to Municipal and County Government)  
17, K 247
- HB 1225-FN-L**, to exempt all political subdivisions of the state from the payment of certain fees imposed by the department of environmental services. (Grodin, Cheshire 6, et al, to Executive Departments and Administration)  
17, Approp 368-369, K 587, recon notice 672
- HB 1226-FN**, to protect the department of transportation against liability in the construction and maintenance of highways and highway bridges. (Marsh, Coos 1, et al, to Public Works)  
18, ext 304, am 680-681, psd 749, conc S am 1146, enr 1225 (Chapter 188)
- HB 1227-A**, decreasing the bonding authorized relative to the Manchester access ramp project. (Marsh, Coos 1, et al, to Public Works)  
**new title:** decreasing the bonding authorized relative to the Manchester access ramp project and repealing a provision relating to improvements on Gosling Road.  
18, am & Approp 381, psd 556, 670, S conc 958, enr am 1170-1171, enr 1225 (Chapter 189)
- HB 1228-FN-L**, exempting certain single-family residential property from connecting to a municipal sewer line. (Roulston, Rockingham 20, to Resources, Recreation and Development)  
**new title:** allowing a city, town or village district to grant waivers from the requirement of connection to the public sewer systems for properties with adequate alternative sewage disposal systems.  
**2nd new title:** allowing a city, town or village district to grant waivers from the requirement of connection to the public sewer systems for properties with adequate alternative sewage disposal systems, and authorizing the town of Durham to borrow for the purpose of making improvements to wastewater treatment facilities.  
18, am 383-384, psd 407, conc S am 831, enr 832 (Chapter 17)
- HB 1229-FN**, redefining "public property" to include property owned by certain tax-supported entities and permitting warrantless searches for controlled substances on such public property. (Roulston, Rockingham 20, to Judiciary)  
18, K 508
- HB 1230-L**, prohibiting municipalities from enacting and enforcing local sanitary waste disposal regulations which are more stringent than state regulations. (Roulston, Rockingham 20, to Environment and Agriculture)  
18, com changed 41, K 377
- HB 1231**, regulating the transportation, utilization and disposal of septage and sludge through the administration of a permit system that is no more stringent than federal law. (Peyron, Sullivan 2, et al, to Resources, Recreation and Development)  
18, com changed 130, K 506
- HB 1232-FN**, establishing service organization anniversary motor vehicle plates. (Emerton, Hillsborough 6, to Transportation)  
18, K 281

- HB 1233-FN-L**, requiring judges to issue a bench warrant for defaults on certain fines and establishing a \$40 sheriff's fee for service of such warrant. (Jeffrey Brown, Rockingham 14, to Judiciary)  
18, K 508
- HB 1234-FN**, establishing a boating endorsement on New Hampshire drivers' licenses, or issuing a special boating license to applicants who do not hold a driver's license. (D. Hall, Merrimack 7, et al, to Transportation)  
18, K 318
- HB 1235**, establishing a task force to evaluate the metric system in the manufacture of products. (Ferlan, Hillsborough 24, et al, to Science, Technology and Energy)  
18, LT 667, K 1267
- HB 1236-FN**, requiring equal medical, vocational and educational opportunities for female and male inmates and requiring female inmates to be incarcerated within New Hampshire. (Hambrick, Strafford 4, et al, to State Institutions and Housing)  
18, ext 305, K 465
- HB 1237**, revising statutory references to the New Hampshire Charitable Fund. (Gross, Merrimack 16, et al, to Constitutional and Statutory Revision)  
18, psd 265, 303, S conc 816, enr 817 (Chapter 24)
- HB 1238-FN**, authorizing the reconstruction of the Route I-89 exits 18 and 20 interchanges in Lebanon. (C. Brown, Grafton 13, et al, to Public Works)  
18, am & Approp 381-382, psd 557, 670, S conc 1138, enr 1194 (Chapter 190)
- HB 1239-FN-L**, relative to dog group license fees. (K. Wheeler, Strafford 4, et al, to Municipal and County Government)  
18, K 453
- HB 1240**, establishing a committee to study criteria and propose legislation concerning the secession of a portion of a municipality. (Barnes, Rockingham 6, et al, to Municipal and County Government)  
18-19, am 414-415, psd 439, conc S am 831, enr 952, appointments 1287 (Chapter 77)
- HB 1241-FN-L**, relative to registration fees for kittens. (K. Wheeler, Strafford 4, et al, to Municipal and County Government)  
19, K 377
- HB 1242**, establishing a house study committee on certain current use issues. (Scanlan, Grafton 11, et al, to Environment and Agriculture)  
**new title:** establishing a study committee on certain current use issues.  
19, am 337, psd 362, conc S am 857, enr 1017, appointments 1287 (Chapter 105)
- HB 1243**, revising the Patients' Bill of Rights. (R. Foster, Carroll 4, et al, to Health, Human Services and Elderly Affairs)  
19, am 278, psd 303, S conc 857, enr 952 (Chapter 78)
- HB 1244**, relative to the use of pressure treated wood in public water. (Maviglio, Belknap 1, et al, to Resources, Recreation and Development)  
19, K 684
- HB 1245-FN**, implementing the model landscape care act in New Hampshire relative to the application of landscape care products. (Roulston, Rockingham 20, to Environment and Agriculture)  
19, study 620-621
- HB 1246-FN**, establishing treatment programs for substance-abusing women and their children. (Bell, Rockingham 26, et al, to Health, Human Services and Elderly Affairs)  
19, study 322-323
- HB 1247-FN**, abolishing the office of commissioner of environmental services. (S. Cole, Cheshire 10, et al, to Executive Departments and Administration)  
19, rem 366, K 420-421
- HB 1248**, relative to hunting in the vicinity of permanently occupied buildings. (Keith, Rockingham 7, to Fish and Game)  
19, K 570
- HB 1249-FN**, establishing a voluntary certification program for health care providers and mandating the exclusion of certain health care providers who test positive for AIDS. (Kurk, Hillsborough 3, to Health, Human Services and Elderly Affairs)  
19, K 278
- HB 1250-FN-L**, increasing the fee for the disposal of solid waste. (Pelley, Strafford 10, et al, to Environment and Agriculture)  
19, ext 259, K 449
- HB 1251**, relative to the observance of Memorial Day by school districts. (Gilmore, Strafford 7, et al, to Education)  
19, psd (RC) 526-529, 553, S conc 951, enr 952 (Chapter 79)
- HB 1252-FN**, creating exceptions from and reciprocity for state water laboratory certification and clarifying the use of fees for certifying state water laboratories. (Parks Strafford 6, to Resources, Recreation and Development)

**new title:** creating exceptions from and reciprocity for state water laboratory certification, clarifying the use of fees for certifying state water laboratories, and changing the special account into a special continuously appropriated revolving fund account.

19, am & Approp 344, rem 556, am 669, psd 671, S conc 1138, enr 1215 (Chapter 191)

- HB 1253**, requiring the bank commissioner to report to the legislature at public hearings twice per year. (Braiterman, Merrimack 3, et al, to Legislative Administration)

19, com changed 129, K 520

- HB 1254**, removing certain benefits from the calculation which determines the amount of wages a person is receiving for the purposes of unemployment compensation. (Maviglio, Belknap 1, to Labor, Industrial and Rehabilitative Services)

**new title:** relative to public employee labor relations board hearings.

19, am & Approp 663-665, rules suspended 671-672, am 768-769, psd 805, S conc 1138, enr 1194 (Chapter 192)

- HB 1255-FN**, relative to the number of big bingo games charitable organizations may conduct, increasing the one game date prize total value from \$3,500 to \$14,000, and decreasing the bingo tax. (Rosencrantz, Rockingham 15, to Regulated Revenues)

**new title:** relative to the number of big bingo games charitable organizations may conduct and increasing the one game date prize total value from \$3,500 to \$14,000.

**2nd new title:** requiring the director of the sweepstakes commission to study the current operation of bingo games and sale of lucky 7 tickets.

19-20, am 343-344, psd 363, nonconc S am, conf 1147, 1150, rep adop 1204, enr am 1241, enr 1246 (Chapter 271)

- HB 1256-FN-A**, requiring the department of transportation to study the United States Route 3 and New Hampshire Route 11 transportation corridor and making an appropriation therefor. (J. Chandler, Merrimack 1, et al, to Public Works)

**new title:** requiring the department of transportation to study the United States Route 3 and New Hampshire Route 11 transportation corridor.

20, am 404-405, psd 408, nonconc S am, conf 832, 855, rep adop 1204, enr 1246 (Chapter 231)

- HB 1257**, making consumption of alcoholic beverages by persons under 21 a violation. (Daly, Carroll 3, to Judiciary)

20, K 627

- HB 1258**, requiring the ombudsman within the department of health and human services to contact the person or business investigated after completion of such investigation. (Dow, Grafton 8, et al, to Health, Human Services and Elderly Affairs)

20, K 338

- HB 1259-FN**, requiring certain data to be submitted to the general court from the department of education. (Jacobson, Merrimack 2, et al, to Education)

20, study 398

- HB 1260**, allowing the maintenance of man-made drainage pools for sanitary purposes. (Robert Jean, Carroll 5, to Resources, Recreation and Development)

20, K 345

- HB 1261-FN-A**, requiring the department of transportation to conduct a study relative to the construction of certain portions of U.S. Route 3 and making an appropriation therefor. (L. Boucher, Merrimack 9, et al, to Public Works)

**new title:** requiring the department of transportation to conduct a study relative to the construction of certain portions of U.S. Route 3.

20, am 405, psd 408, S conc 831, enr 856 (Chapter 36)

- HB 1262**, requiring financial institutions which are responsible for paying property tax bills from escrow accounts to pay a property tax bill within 10 days of its receipt and to pay any fees, penalties or interest charged on overdue bills. (Baroody, Hillsborough 39, et al, to Commerce, Small Business and Consumer Affairs)

**new title:** relative to the rulemaking authority of the bank commissioner.

20, am 610, psd 671, S nonconc 817

- HB 1263**, requiring that a disclosure statement designed by the bank commissioner be attached to ALPS student loan promissory notes. (A. Cooke, Rockingham 20, et al, to Commerce, Small Business and Consumer Affairs)

20, K 503

- HB 1264-FN**, limiting the season for bear hunting and baiting. (Pantelakos, Rockingham 24, to Fish and Game)

20, K 265

- HB 1265-FN**, regulating small motor mineral dredging and panning. (Felch, Rockingham 14, et al, to Resources, Recreation and Development)

20, am & Approp 280-281, rem 673, am 765-766, psd 805, S conc 816, enr 856 (Chapter 37)

- HB 1266-FN**, relative to the wetlands board directing minor impact applications to board staff and major impact applications and hearings appeals to the board. (Roulston, Rockingham 20, to Resources, Recreation and Development)

20, K 345



- HB 1267-FN**, requiring the department of environmental services to submit an accounting on moneys received from the federal government for the Tolend Road landfill in Dover, N.H. and exempting municipalities from contributing moneys for cleanup costs. (Gilmore, Strafford 7, et al, to Executive Departments and Administration)  
20, K 338
- HB 1268**, relative to inspection and permit fees set by local legislative bodies. (Barnes, Rockingham 6, to Municipal and County Government)  
20, am 377-378, psd 407, conc S am 1140, enr 1171 (Chapter 172)
- HB 1269-FN**, separating the AFDC standard of need from the AFDC payment standard. (Julie Brown, Strafford 11, et al, to Health, Human Services and Elderly Affairs)  
new title: separating the AFDC standard of need from the AFDC payment standards and increasing the AFDC standard of need.  
20, rem 366, am & Approp (RC) 421-425, am 759, psd 805, S conc 958, enr 1137 (Chapter 111)
- HB 1270**, prohibiting a person from using another person's registered trade name. (Dow, Grafton 8, et al, to Commerce, Small Business and Consumer Affairs)  
21, K 246
- HB 1271**, allowing a full service restaurant to use a dining room as a lounge on an overflow basis in excess of the lounge area capacity of the restaurant, if the restaurant has annual food sales in excess of \$100,000. (Pantelakos, Rockingham 24, to Regulated Revenues)  
21, K 318
- HB 1272**, establishing a committee to study construction-related traffic control. (Robinson, Hillsborough 12, et al, to Public Works)  
21, K 511
- HB 1273**, relative to replacement and incidental costs of homeowner policy holders as a result of total loss due to fire. (Goulet, Hillsborough 11, to Commerce, Small Business and Consumer Affairs)  
21, study 503
- HB 1274**, relative to filing a statement of ownership of real property which has been transferred through inheritance or devise with the registry of deeds. (Golden, Belknap 7, t Judiciary)  
21, K 373
- HB 1275**, relative to death with dignity for certain persons suffering terminal illness. (Corte, Strafford 6, et al, to Judiciary)  
21, study 627-628
- HB 1276-FN**, relative to hearings on the state budget by legislative policy committees. (S. Packard, Rockingham 23, et al, to Legislative Administration)  
21, study 665
- HB 1277-FN-L**, requiring municipalities to adopt the BOCA National Building Code when they adopt a local building code. (Salatiello, Belknap 3, to Municipal and County Government)  
21, K 378
- HB 1278-FN-L**, permitting towns to make bylaws for refuse disposal in specifically-designated bags and altering district court procedure for levying fines against bylaws violators. (Bradley, Carroll 6, to Environment and Agriculture)  
21, am 449-450, psd 470, nonconc S am, conf 1142, rep adop 1204, enr 1247 (Chapter 232)
- HB 1279-FN**, requiring the installation by the state of traffic signal lights at the intersection of route 4 and Oak Street and at the Weeks traffic circle in Dover, New Hampshire. (Jankowski, Strafford 5, to Public Works)  
21, K 315
- HB 1280-FN**, relative to prescription copayments by New Hampshire veterans with service-connected disabilities. (DePecol Cheshire 12, et al, to Public Protection and Veterans Affairs)  
21, K 247
- HB 1281-FN-L**, implementing the concerns of Title IX relative to discrimination in athletics. (Hurst, Rockingham 17, et al, to Education)  
21, K 505
- HB 1282-FN**, relative to the transfer of registration between owned and leased vehicles. (Emerton, Hillsborough 6, et al, to Transportation)  
21, am 318-319, psd 332, S conc 816, enr 817 (Chapter 25)
- HB 1283-FN**, authorizing the human rights commission to award compensatory damages and levy administrative fines. (Lown, Hillsborough 9, et al, to Judiciary)  
new title: authorizing the human rights commission to award compensatory damages, levy administrative fines and award attorney's fees.  
2nd new title: authorizing the human rights commission to award compensatory damages, levy administrative fines and award attorney's fees, and clarifying the jurisdiction of courts reviewing orders of the commission.  
21, am 373-374, psd 407, conc S am 997, enr 1194 (Chapter 193)
- 1284-FN**, creating the position of medical director in the department of corrections. (Hambrick, Strafford 4, to Executive Departments and Administration)  
22, study 369



- HB 1285-FN**, requiring the director of economic development to obtain information as is reasonably possible from employers who either relocate out-of-state or permanently downsize. (Arnesen, Grafton 7, to Economic Development)  
22, study 366
- HB 1286-FN**, allowing antique trucks or tractors to be registered at a prorated rate. (Feuer, Cheshire 4, to Transportation)  
**new title:** allowing antique motor vehicles other than antique motorcycles to be registered at a prorated rate.  
22, am 319-320, psd 332, S conc 831, enr 952 (Chapter 53)
- HB 1287-L**, enabling certain municipalities to issue tax lien redemption notes. (A. Torr, Strafford 6, et al, to Municipal and County Government)  
**new title:** enabling certain municipalities to issue tax lien redemption notes and relative to the transfer of tax liens.  
22, am (RC) 531-538, psd 554, nonconc S am, conf 997, 1018m rep adop 1204, enr 1215 (Chapter 173)
- HB 1288**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services. (Bradley, Carroll 6, to Children, Youth and Juvenile Justice)  
22, study 501
- HB 1289**, requiring any watercraft towing an object to display a warning flag. (Shackett, Grafton 10, to Transportation)  
22, K 320
- HB 1290**, requiring operators of commercial vessels or commercial outboard motors to be certified only when engaged in a commercial activity. (Markley, Grafton 6, to Transportation)  
22, K 519
- HB 1291-L**, granting municipalities an option for more frequent billing and collection of property taxes. (Dunn, Merrimack 21, to Municipal and County Government)  
22, study 463
- HB 1292**, limiting the civil liability of persons engaged in equine activities. (Asplund, Merrimack 10, to Judiciary)  
22, study 374
- HB 1293**, waiving a person's fifth amendment rights in certain divorce actions where adultery is alleged. (Harland, Sullivan 8, to Judiciary)  
**new title:** reducing the penalty for adultery from a misdemeanor to a violation  
22, am 628, psd 671, S nonconc 1019
- HB 1294**, relative to a small employer health access model act. (Fair, Merrimack 7, et al, to Commerce, Small Business and Consumer Affairs)  
22, study 679
- HB 1295**, prohibiting discrimination in insurance policies against elected or appointed officials. (Fair, Merrimack 7, to Commerce, Small Business and Consumer Affairs)  
**new title:** relative to rate modifications for individual accident and health insurance policies.  
**2nd new title:** relative to rate modifications for individual accident and health insurance policies and relative to approval of certain motor vehicle warranty agreements and surety bonds.  
22, psd 504, 553, nonconc S am, conf 997, 1141, rules suspended & rep adop 1205, enr am 1241, enr 1247 (Chapter 272)
- HB 1296**, permitting on-sale licensees to allow cribbage card games on their premises. (Pantelakos, Rockingham 24, to Regulated Revenues)  
**new title:** removing a prohibition on certain card games and permitting commercial motor vehicle racetrack facilities to make certain beverage sales.  
**2nd new title:** relative to beverage and liquor licenses for motor vehicle racetracks and removing a prohibition on certain card games.  
22, am 538-539, psd 554, conc S am 998, enr 1167 (Chapter 153)
- HB 1297**, prohibiting the sale or use of personal information by any person or business without the consent of the individual concerned. (Kurk, Hillsborough 3, et al, to Judiciary)  
**new title:** establishing a committee to study the issue of protecting personal information.  
22, am 374-375, psd 407, S nonconc 829
- HB 1298**, allowing any public utility, municipal fire or police department, or independent emergency service, to record incoming and outgoing central dispatch and emergency telephone calls. (A. Bourque, Hillsborough 35, to Science, Technology and Energy)  
**new title:** allowing any municipal fire or police department, or independent emergency service, to record incoming and outgoing central dispatch and emergency telephone calls.  
22, am 583-584, psd 671, conc S am 998, enr 1171 (Chapter 174)
- HB 1299**, providing that beverage wholesale distributor's and beverage manufacturer's fees shall not be reduced if beverage container mandatory deposit legislation is enacted. (B. Hall, Hillsborough 16, to Regulated Revenues)  
22, rem 309, K 331

- HB 1300-FN**, permitting the sale of red deer venison. (B. Hall, Hillsborough 16, to Fish and Game)  
22, K 570
- HB 1301-FN**, setting priorities for the disposal of certain components of the solid waste stream. (A. Merrill, Strafford 4, et al, to Environment and Agriculture)  
23, am & LT 763-765, S Ct opin printed (HR 60) 1228-1231, K 1267
- HB 1302**, requiring banks to apply consistent, equitable, good faith standards in their lending practices. (B. Packard, Hillsborough 15, et al, to Commerce, Small Business and Consumer Affairs)  
23, study 504
- HB 1303-FN-A**, not introduced.
- HB 1304**, categorizing motor vehicle child passenger restraints by age and weight. (Copenhaver, Grafton 12, to Transportation)  
23, K 327
- HB 1305**, permitting the sale of pistol canes. (McRae, Hillsborough 6, to Public Protection and Veterans Affairs)  
new title: permitting the carrying and selling of antique gun canes.  
2nd new title: permitting the carrying and selling of antique guns and sword canes.  
3rd new title: permitting the carrying and selling of antique gun and sword canes and prescribing penalties for the criminal use of pistol canes and sword canes.  
23, am 380-381, psd 407, nonconc S am, conf 831, 855, rep adop 1205, enr am 1241, enr 1247 (Chapter 273)
- HB 1306-L**, authorizing additional license fees for dogs which are not spayed or neutered. (Janas, Hillsborough 39, et al, to Municipal and County Government)  
23, K 453
- HB 1307-FN**, relative to limiting the requirement for a fish and game propagation license to land of a certain acreage. (Scanlan, Grafton 11, to Fish and Game)  
23, K 570
- HB 1308**, relative to technical changes to the municipal charter laws. (Perry, Cheshire 10, to Municipal and County Government)  
new title: relative to technical changes to the municipal charter laws and relative to the establishment of a charter commission in the town of Salem.  
23, psd 378, 407, conc S am 1140, enr 1194 (Chapter 194)
- HB 1309**, limiting the liability of landowners who allow their land to be used for outdoor educational purposes. (Metzger, Cheshire 11, et al, to Judiciary)  
23, study 413
- HB 1310**, relative to civil and criminal liability for bad checks. (Maviglio, Belknap 1, et al, to Judiciary)  
23, K 578
- HB 1311-FN**, regulating naturopathic health care practice. (K. Wheeler, Strafford 4, et al, to Health, Human Services and Elderly Affairs)  
23, study 412
- HB 1312-FN-L**, increasing the fees for late licensure of dogs. (Trombly, Merrimack 4, to Municipal and County Government)  
23, K 453-454
- HB 1313**, prohibiting petroleum-powered boats and controlling the speed of other types of power boats on Cunningham Pond in the town of Peterborough. (Dyer, Hillsborough 7, et al, to Transportation)  
23, K 349
- HB 1314**, extending the deadline date for the commissioner of environmental services to report on certain water laws. (Lewis, Merrimack 5, et al, to Resources, Recreation and Development)  
new title: establishing a committee to study the need for a public corporation to finance and operate environmental projects for the benefit of the state and making changes in certain water laws.  
23, am 684-686, psd 749, nonconc S am, conf 1147, 1150, K 1282
- HB 1315-L**, amending RSA 154 relative to firewards and firefighters, exempting fire investigators from having law enforcement backgrounds, and extending a study committee. (Dyer, Hillsborough 7, et al, to Public Protection and Veterans Affairs)  
new title: amending RSA 154 relative to firewards and firefighters, exempting fire investigators from having law enforcement backgrounds, extending the committee studying fire laws, and extending the state historic flag committee and making an appropriation to such committee.  
23, am 340-341, psd 363, conc S am 957, enr 1207 (Chapter 154)
- HB 1316-FN**, repealing the rulemaking authority of the board of nursing relative to nursing assistant fees. (Record, Hillsborough 23, to Executive Departments and Administration)  
new title: relative to hearings before the board of nursing.  
23, am 369, psd 407, S conc 816, enr 817 (Chapter 26)

- HB 1317**, imposing a penalty for adjustable rate mortgage overcharges. (Baroody, Hillsborough 39, to Commerce, Small Business and Consumer Affairs)  
23, K 504
- HB 1318-FN**, repealing a provision of the business corporations act concerning application for reinstatement of charters and relative to the annual reports of beverage vendors and beverage vendor importers. (Fields, Hillsborough 13, to Commerce, Small Business and Consumer Affairs)  
**new title:** repealing a provision of the business corporations act concerning application for reinstatement of charters, relative to the annual reports of beverage vendors and beverage vendor importers, and reinstating the charter of Rosetta Stone Associates, Inc.  
23, psd 246, 257, conc S am 956, enr 1167 (Chapter 135)
- HB 1319**, requiring proof of financial responsibility from persons who have had motor vehicle license revocations. (Pelley, Strafford 10, et al, to Commerce, Small Business and Consumer Affairs)  
24, study 679
- HB 1320**, extending the time for recording a foreclosure deed and affidavit after a foreclosure sale when such recording is prevented by order or stay of any court of law. (Krueger, Sullivan 6, et al, to Commerce, Small Business and Consumer Affairs)  
**new title:** extending the time for recording a foreclosure deed and affidavit after a foreclosure sale when such recording is prevented by order or stay of any court or law or the United States Bankruptcy Code.  
24, am 312-313, psd 332, S conc 816, enr 817 (Chapter 27)
- HB 1321-L**, imposing controls on the budget, including limiting budget increases, and relative to procedures to be followed when there is a revenue shortfall or a budget surplus. (Jacobson, Merrimack 2, to Appropriations)  
24, rem 556, study 670
- HB 1322**, allowing legislators to testify before the fiscal committee and limiting certain powers of the fiscal committee. (Jacobson, Merrimack 2, to Legislative Administration)  
24, study 665
- HB 1323-L**, forming a study committee to develop a survey to be used by the department of education to collect and compile information regarding major school construction projects. (M. Hill, Merrimack 14, to Education)  
24, am 557-558, psd 670, conc S am 831, enr 952, appointments 1287 (Chapter 95)
- HB 1324-FN**, extending the minimum period for driver's license suspension or revocation for a drug offense to 6 months and expanding the advice by a law enforcement officer relative to implied consent testing for DWI. (Haynes, Rockingham 9, to Judiciary)  
24, K 628
- HB 1325-FN**, transferring the amount above legislative estimates in the vanity plate fund from the general fund to the highway fund. (J. Chandler, Merrimack 1, to Appropriations)  
24, K 285-286
- HB 1326**, requiring that service of process at a defendant's abode comply with court rules. (Burling, Sullivan 1, to Judiciary)  
24, psd 508, 553, S nonconc 1019
- HB 1327-FN**, prohibiting the state from requiring public assistance applicants to cross picket lines to apply for jobs. (Baroody, Hillsborough 39, et al, to Labor, Industrial and Rehabilitative Services)  
**new title:** prohibiting the state or any of its political subdivisions from requiring public assistance applicants to cross picket lines to apply for jobs.  
24, am 314, psd 332, S conc 951, enr 955 (Chapter 80)
- HB 1328-FN**, relative to the fiscal responsibilities of the county commissioners and the county convention for capital expenditures in Rockingham county. (W. McCain, Rockingham 11, to Municipal and County Government)  
24, psd 279, 303, conc S am 799, enr 810 (Chapter 14)
- HB 1329-FN-L**, specifying the time for the municipal treasurer to make payments of annual budget funds to the village district. (Golden, Belknap 7, to Municipal and County Government)  
**new title:** relative to payments of annual budget funds to village districts, and relative to the Sugar Hill annual town meeting.  
24, am 510-511, psd 553, nonconc S am, conf 1146, 1151, rep adop 1205, enr 1247 (Chapter 274)
- HB 1330**, prohibiting certain credit card practices involving providers of travel services. (Rosen, Belknap 9, et al, to Commerce, Small Business and Consumer Affairs)  
24, psd 504, 553, nonconc S am, conf 997, 1018, rep adop 1205, enr 1246 (Chapter 233)
- HB 1331**, authorizing the establishment of municipal trails. (Metzger, Cheshire 11, et al, to Public Works)  
24, K 538

- HB 1332**, removing the prohibition on use or possession of tobacco products by minors. (Lockwood, Merrimack 6, to Children, Youth and Juvenile Justice)  
24, am & SO 350, psd (RC) 475-479, 492, nonconc S am, conf 1144-1145, 1151, rep adop K 1205
- HB 1333-FN**, requiring a hearing in certain circumstances to determine the need for vocational rehabilitation in workers' compensation claims. (D. Dow, Grafton 8, to Labor, Industrial and Rehabilitative Services)  
24, study 338
- HB 1334-FN-L**, requiring funds allocated for a special education student to follow the student if the student transfers to another school district. (Pageotte, Strafford 8, et al, to Education)  
24, K 313
- HB 1335**, relative to plastic holding devices used in packaging. (L. Smith, Hillsborough Dist. 21, et al, to Environment and Agriculture)  
25, rem 334, K 360, recon notice 364, recon rej 470
- HB 1336**, prohibiting insurance companies from mandating specific motor vehicle glass repair shops. (Malcolm, Rockingham 17, to Commerce, Small Business and Consumer Affairs)  
25, study 520
- HB 1337**, banning the use of internal combustion engines on Gilmore Pond in the town of Jaffrey. (Grodin, Cheshire 6, et al, to Transportation)  
25, K 349-350
- HB 1338**, relative to the definition of "wetlands." (L. Pratt, Coos 6, to Resources, Recreation and Development)  
25, K 345
- HB 1339**, requiring the division of human services to report certain obligors to consumer reporting agencies. (Baldizar, Hillsborough 22, et al, to Commerce, Small Business and Consumer Affairs)  
25, com changed 41, am 335-336, psd 362, conc S am 956, enr 1144 (Chapter 119)
- HB 1340-FN-L**, relative to withholdings for property taxes. (Kurk, Hillsborough 3, to Municipal and County Government)  
25, K 378
- HB 1341-FN-L**, clarifying the terms "subsequent tax" and "registered" and "certified" mail for purposes of certain property tax laws. (Golden, Belknap 7, to Municipal and County Government)  
25, am 379-380, psd 407, S conc 831, enr 952 (Chapter 54)
- HB 1342-A**, relative to the location and establishment of a state veterans' cemetery within the Pease Air Force Base facilities and making an appropriation therefor. (Fenton, Hillsborough 20, et al, to Public Protection and Veterans Affairs)  
**new title**: relative to the location and establishment of a state veterans' cemetery and making an appropriation therefor.  
25, am & Approp 256, am 759-760, psd 805, S conc 958, enr 1167, appointments 1288 (Chapter 136)
- HB 1343-FN**, relative to the approval of wetlands minimum impact projects by individuals actively engaged in agricultural or forestry practices. (Scanlan, Grafton 11, to Resources, Recreation and Development)  
**new title**: establishing a committee to review wetlands projects and related issues.  
25, am 345-346, psd 363, S nonconc 1019
- HB 1344-L**, allowing county solid waste districts instead of town solid waste districts by majority vote of the county delegation. (Burnham, Cheshire 5, et al, to Environment and Agriculture)  
**new title**: requiring the house environment and agriculture and the senate environment committees to review the laws relative to solid waste management.  
**2nd new title**: requiring the house environment and agriculture and the senate environment committees to review the laws relative to solid waste management and authorizing a municipality to issue bonds to pay the costs of the cleanup of superfund hazardous waste sites.  
25, am 558, psd 670, nonconc S am, conf 1145, 1151, S rej rep, new conf 1204, rules suspended 1220, rep adop 1221, enr 1247, appointments 1288 (Chapter 275)
- HB 1345**, allowing off-sale beer and wine licensees to advertise by signs and posters. (D. Sytek, Rockingham 20, et al, to Regulated Revenues)  
**new title**: allowing off-sale licensees to advertise by signs and posters.  
25, am 512, psd 553, conc S am 1021, enr 1195 (Chapter 195)
- HB 1346-FN**, requiring the installation by the state of a traffic signal light at the intersection of route 25 and Moultonborough Neck Road in Moultonborough. (Pignatelli, Hillsborough 31, et al, to Public Works)  
25, K 315
- HB 1347-A**, appropriating money for design and engineering of a vocational education center in Milford. (D. Wheeler, Hillsborough 10, et al, to Public Works)



- new title:** designating money for the planning and design of a regional vocational education center in Milford.  
25, rem 308, rcmt 329-330, am & Approp 491-492, rules suspended 493, psd 557, 670, S conc 1149, enr 1207 (Chapter 155)
- HB 1348,** permitting a town or city to charge owners of open space land a fee which is dedicated to schools within that town or city. (Feuer, Cheshire 4, to Environment and Agriculture)  
25, K 450
- HB 1349,** requiring certain disclosure during recruitment by multi-level or network marketing corporations. (Hurst, Rockingham 17, et al, to Commerce, Small Business and Consumer Affairs)  
26, study 504
- HB 1350** revising the laws that require a prescription to purchase a hypodermic needle. (Copenhaver, Grafton 12, et al, to Health, Human Services and Elderly Affairs)  
26, psd 450-451, 471, S conc 958, enr 1144, veto sustained (RC) 1195-1200
- HB 1351,** creating a committee to review the laws governing tax-exempt property and to study the concept of and criteria for payment in lieu of taxes by tax-exempt properties in response to HBI 2 of the 1991 session. (Wadsworth, Grafton 13, et al, to Municipal and County Government)  
26, am 454, psd 471, conc S am 831, enr 952, appointments 1288 (Chapter 81)
- HB 1352,** relative to the right of a mortgagor to sell or transfer property subject to a loan agreement or note and mortgage. (Baroody, Hillsborough 39, to Commerce, Small Business and Consumer Affairs)  
26, K 679-680
- HB 1353,** relative to civil recovery of damages for shoplifting. (Burling, Sullivan Dist. 1, et al, to Judiciary)  
26, am 578-580, psd 671, conc S am 957, enr 1137 (Chapter 106)
- HB 1354,** establishing a committee to study the establishment of utility rate regulation based on incentives rather than rate of return. (Ferlan, Hillsborough 24, et al, to Science, Technology and Energy)  
26, K (RC) 540-543
- HB 1355-FN,** permitting certain residents on active duty to be issued free hunting and fishing licenses. (Paquette, Hillsborough 46, to Fish and Game)  
26, K 313
- HB 1356,** establishing a study committee to examine possible methods within the existing court system to have land use cases heard by judges with expertise in land use issues. (L. Smith, Hillsborough 21, et al, to Judiciary)  
26, K 413
- HB 1357,** establishing a committee to study the concept of in-home care as an alternative to institutionalized care. (K. Foster, Cheshire 17, et al, to Health, Human Services and Elderly Affairs)  
**new title:** establishing a committee to study the concept of in-home care as an alternative to institutionalized care and allowing residential care facilities to be participating institutions under the law relative to the New Hampshire higher educational health facilities authority.  
**2nd new title:** establishing a committee to study the concept of in-home care as an alternative to institutionalized care, allowing residential care facilities to be participating institutions under the law relative to the New Hampshire higher educational and health facilities authority, and adding home health care providers to the facilities covered under the laws relative to the higher educational building corporation.  
26, am 451, psd 471, nonconc S am, conf 1146, 1151, rep adop 1205, enr am 1241-1242, enr 1247, appointments 1288-1289 (Chapter 276)
- HB 1358-A,** making an appropriation for the new Manchester district court facility. (LaMott, Grafton 5, et al, to Public Works)  
26, ext 304, K 475
- HB 1359,** requiring confidentiality of personnel files of local police officers except in certain criminal cases. (Burling, Sullivan 1, et al, to Judiciary)  
**new title:** relative to the confidentiality of police personnel files in criminal cases.  
26, am 375-376, psd 407, S conc 829, enr 832 (Chapter 45)
- HB 1360-FN,** authorizing a tri-state fishing license for New Hampshire residents and residents of Maine and Vermont. (Lougee, Grafton 13, et al, to Fish and Game)  
26, study 338
- HB 1361,** establishing a committee to study state motor vehicle fleet management. (LaMott, Grafton 5, et al, to Public Works)  
26, psd 511, 553, conc S am 957, enr 1144, appointments 1289 (Chapter 120)
- HB 1362-FN-L,** relative to the amount of out-of-state service which may be purchased by group II members. (Klemm, Rockingham 22, et al, to Executive Departments and Administration)  
26, K 398
- HB 1363-FN-L,** establishing a crimeline fund and levying a penalty assessment to administer crimelines. (O'Rourke, Hillsborough 35 et al, to Public Protection and Veterans Affairs)  
26, K 288

- HB 1364**, prohibiting any state official or public official of any political subdivision from releasing the name of a person arrested for driving while intoxicated unless such person is convicted of the offense. (B. McCann, Hillsborough 31, et al, to Judiciary)  
27, K 580
- HB 1365-FN**, imposing a boat fee on non-motorized craft to be used to establish a fund to provide public access for non-motorized craft. (Maviglio, Belknap 1, et al, to Transportation)  
27, com changed 41, study 346
- HB 1366-FN**, instituting an annual state budget instead of a biennial state budget. (Dube, Rockingham 9, et al, to Appropriations)  
**new title:** relative to adopting the state operating budget in the second year of the legislative session.  
27, am 760-761, psd 805, S nonconc 1149
- HB 1367**, enabling local legislative bodies to limit the sale of the use of rights-of-way. (Larson, Grafton 9, to Municipal and County Government)  
27, K 380
- HB 1368**, allowing municipalities to protect buildings 50 years of age or older from being burned in fire department exercises. (M. Fuller Clark, Rockingham 25, et al, to Municipal and County Government)  
27, K 454
- HB 1369**, defining the terms "experimental and investigatory" concerning medical procedures for insurance purposes and establishing a review board to hear controversial cases. (M. Fuller Clark, Rockingham 25, et al, to Commerce, Small Business and Consumer Affairs)  
27, K (RC) 610-615
- HB 1370**, to provide rotating 4-year county commissioner terms in Rockingham county. (Weyler, Rockingham 10, to Municipal and County Government)  
27, rem 259, psd 302, 303, S conc 472, enr 555 (Chapter 9)
- HB 1371**, permitting an adoptee 21 years of age or older or adoptive parents to discover the identity of the adoptee's natural parents in certain circumstances. (Harland, Sullivan 8, et al, to Children, Youth and Juvenile Justice)  
27, K 336
- HB 1372-FN**, placing restrictions on the sale and disposal of manganese, zinc carbon, and oxide batteries. (Tarpley-Bamberger, Hillsborough 9, et al, to Environment and Agriculture)  
**new title:** placing restrictions on the sale and disposal of manganese, zinc carbon, oxide and nickel-cadmium batteries.  
27, am 558-560, psd 670, conc S am 1142, enr 1247 (Chapter 196)
- HB 1373**, prohibiting special "happy hour" prices and promotions on drinks sold by liquor licensees. (Lozeau, Hillsborough 25, et al, to Regulated Revenues)  
27, K 512
- HB 1374**, establishing a task force on women at risk for drug and alcohol abuse during pregnancy. (Baldizar, Hillsborough 22, et al, to Health, Human Services and Elderly Affairs)  
**new title:** establishing a task force on women at risk for alcohol and other drug abuse during pregnancy.  
27, am 507-508, psd 553, nonconc S am, conf 957, 1018, rep adop 1205, enr 1247, appointments 1297 (Chapter 234)
- HB 1375**, requiring individuals convicted of drunk or drugged driving to obtain a medical insurance rider to cover the cost of treatment for alcoholism or drug abuse. (Spencer, Strafford 4, to Commerce, Small Business and Consumer Affairs)  
27, K 557
- HB 1376-FN-L**, requiring the department of environmental services to pay 20 percent of the annual amortization charges on the original costs resulting from the acquisition and construction of a sewage disposal facility by the North Conway water precinct. (Allard, Carroll 2, to Appropriations)  
**new title:** requiring the department of environmental services to assume 20 percent of eligible costs of the Conway sewer system project and making an appropriation for costs payments.  
**2nd new title:** relative to water pollution, including requiring the department of environmental services to assume 20 percent of eligible costs of the North Conway Water Precinct sewer system project, making an appropriation for cost payments, relative to aid for water pollution control for regional waste treatment facilities for Winnepesaukee river basin, establishing a grant program for water pollution, and relative to future funding of certain classified positions within the department of environmental services.  
27, am 675-676, psd 749, nonconc S am, conf 1147, 1151, rep adop 1205, enr am 1242, enr 1247 (Chapter 277)
- HB 1377**, banning the use of any boat equipped with an internal combustion engine on the open waters of Stone Pond in the town of Marlborough. (Burnham, Cheshire 5, to Transportation)  
28, K 320

- HB 1378-FN-L**, increasing school aid in the event that a 6 percent income tax becomes law and making an appropriation therefor. (Arnesen, Grafton 7, to Ways and Means)  
28 K 359
- HB 1379-FN-L**, relative to a state contribution to towns and cities with land in current use in the event that a personal income tax becomes law and making an appropriation therefor. (Arnesen, Grafton 7, to Ways and Means)  
28, K 359
- HB 1380**, establishing a committee to study the effects of itinerant vendors on the retail community in New Hampshire. (O'Rourke, Hillsborough 35, et al, to Commerce, Small Business and Consumer Affairs)  
28, K 680
- HB 1381**, establishing a procedure to be used in the absence of a living will if the wishes of the terminally ill or permanently unconscious patient were known to other persons. (Gilmore, Strafford 7, et al, to Judiciary)  
28, study 629
- HB 1382**, requiring all sellers of property to fully disclose information relative to private water supplies and sewage disposal. (Dowling, Rockingham 7, to Resources, Recreation and Development)  
**new title:** requiring all sellers of property to fully disclose information relative to private water supplies and septic and sewage disposal systems.  
**2nd new title:** requiring all sellers of property to fully disclose information relative to private water supplies and septic and sewage disposal systems, relative to drainage pools, and exempting homeowners associations from certain registration requirements.  
**3rd new title:** requiring all sellers of property to fully disclose information relative to private water supplies and septic and sewage disposal systems, relative to drainage pools, exempting homeowners associations from certain registration requirements, and exempting small motor mineral dredging permits from certain requirements.  
28, am 384-385, psd 407, nonconc S am, conf 1149, 1151, rep adop 1205, enr am 1242, enr 1247 (Chapter 278)
- HB 1383-A-L**, making a bonded appropriation to pay for no more than 50 percent of the costs of cleaning up the Dover municipal landfill. (A. Torr, Strafford 6, et al, to Public Works)  
28, K 315
- HB 1384**, relative to the right of firefighters and police officers to recover for workers' compensation injuries caused by the negligence of others. (Elliott, Hillsborough 2, et al, to Labor, Industrial and Rehabilitative Services)  
28, study 583
- HB 1385-FN**, requiring the division for children and youth services to implement certain procedures for handling complaints regarding abused and neglected children. (Trombly, Merrimack 4, to Children, Youth and Juvenile Justice)  
28, ext 258, study 501
- HB 1386-FN-A**, establishing a foundation aid formula study committee, authorizing the committee to hire a consultant to study different methods of financing education and making an appropriation therefor. (Larson, Grafton 9, to Education)  
28, Approp 287, rem 673, am 766-767, psd 805, S conc 1149, enr 1207 (Chapter 156)
- HB 1387-FN-L**, clarifying the laws relative to temporary guardianship. (Soldati, Merrimack 19, et al, to Judiciary)  
28, study 376
- HB 1388**, imposing a civil penalty in any proceeding in which a rule of a manufactured housing park owner is deemed unreasonable. (Lozeau, Hillsborough 25, et al, to State Institutions and Housing)  
**new title:** authorizing a civil penalty to be imposed in any proceeding in which a rule of a manufactured housing park owner is deemed unreasonable.  
28, psd (RC) 547-550, 554, conc S am 1021, enr 1195 (Chapter 197)
- HB 1389-FN**, requiring certain revenue from the gasoline tax allocated to the department of transportation be used to paint the center and edge lines on the state's highways. (Burnham, Cheshire 5, to Public Works)  
28, K 315-316
- HB 1390-FN**, providing a 5 percent cost of living adjustment for teacher members of the retirement system and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. (Pearson, Cheshire 15, to Executive Departments and Administration)  
28, ext 304, psd 560, 670, S conc 958, enr 1144 (Chapter 121)
- HB 1391-FN-A**, taxing commercial amusement machines. (Behrens, Sullivan 3, to Regulated Revenues)  
29, K 327
- HB 1392**, requiring the insurance commissioner to report to the legislature at public hearings twice per year. (Braiterman, Merrimack 3, et al, to Legislative Administration)  
29, com changed 41, K 520-521



- HB 1393-FN**, establishing that fines for summonses for motor vehicle violations for which a plea may be made by mail be paid to the division of motor vehicles. (Daly, Carroll 3, et al, to Judiciary)  
29, am & Approp 376, study 676
- HB 1394-FN-A**, continually appropriating a portion of physicians' license fees to the department of justice. (Burling, Sullivan I, et al, to Executive Departments and Administration)  
**new title:** making supplemental appropriations to the department of justice and the department of health and human services.  
29, Approp 338, am 761-762, psd 805, S nonconc 1019
- HB 1395-FN-A**, relative to soil conservation districts and making a supplemental appropriation therefor. (Copenhaver, Grafton 12, et al, to Appropriations)  
29, am 391-392, psd 408, S nonconc 1019
- HB 1396-FN**, authorizing the New Hampshire municipal bond bank to sell bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills, and to clean up hazardous waste sites, solid waste sites and superfund sites. (Chambers, Grafton 12, et al, to Commerce, Small Business and Consumer Affairs)  
**new title:** authorizing municipalities to incur debt in the form of bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills and to clean up hazardous waste sites.  
**2nd new title:** authorizing municipalities to incur debt in the form of bonds guaranteed by the state of New Hampshire to assist municipalities, towns, cities, counties or districts to close landfills and to clean up certain hazardous waste sites.  
29, ext 258, am 473-475, psd 492, nonconc S am, conf 1144, 1151, S rej rep, new conf 1204, rules suspended 1220, rep adop 1221, enr am 1242, enr 1247 (Chapter 279)
- HB 1397-FN-L**, extending unemployment benefits for 13 weeks beyond the current limit until the state unemployment rate is at or below 5 percent for 3 consecutive months. (W. McCann, Strafford 7, et al, to Labor, Industrial and Rehabilitative Services)  
29, K 377
- HB 1398-FN-L**, prohibiting charging to counties the cost for testing certified nursing assistants in nursing homes. (Record, Hillsborough 23, to Health, Human Services and Elderly Affairs)  
29, am & Approp 287-288, K 366
- HB 1399-FN**, changing the name of the board of examiners of psychologists to the board of examiners of mental health practice, expanding such board, and certifying mental health counselors. (W. McCain of Rockingham 11, et al, to Executive Departments and Administration)  
**new title:** changing the name of the board of examiners of psychologists to the board of examiners of psychology and mental health practice, expanding such board, and certifying mental health counselors.  
29, ext 304, am 560-567, psd 670, nonconc S am, conf 1020, 1141, rep rej (RC) & new conf 1208-1212, 1215, rules suspended & rep adop 1224-1225, enr 1247 (Chapter 280)
- HB 1400-FN**, relative to the comprehensive shoreland protection act. (Markley, Grafton 6, et al, to Resources, Recreation and Development)  
29, am 416-420, psd 439, nonconc S am, conf 1149, 1151, rep adop (RC) 1212-1215, enr 1247 (Chapter 235)
- HB 1401**, requiring the mandates task force to study the impact of the development of the prison facility in the city of Laconia. (Rosen, Belknap 9, et al, to Legislative Administration)  
29, am 665, psd 671, S conc 1149, enr am 1243, enr 1247 (Chapter 281)
- HB 1402-FN**, exempting from competitive bidding purchases or services from nonprofit organizations by certain state agencies for severely disabled or emotionally disturbed children. (Chambers, Grafton 12, et al, to Executive Departments and Administration)  
**new title:** exempting from competitive bidding purchases of services from nonprofit organizations by certain state agencies for severely disabled or emotionally disturbed children.  
**2nd new title:** relative to competitive bidding purchases of services from nonprofit organizations by certain state agencies for severely disabled or emotionally disturbed children.  
29, am & Approp 369-370, am 676-677, psd 749, S conc 1138, enr 1195 (Chapter 198)
- HB 1403**, limiting the authority of governor and council to approve out-of-court settlements for claims against the state and requiring the approval of governor and council for certain judgments against the state. (Kurk, Hillsborough 3, to Appropriations)  
29, com changed 141, K 580
- HB 1404-FN**, relative to mandatory testing for health care providers and certain patients for communicable diseases. (D. Wheeler, Hillsborough 10, et al, to Health, Human Services and Elderly Affairs)  
30, K 412
- HB 1405**, relative to appeal of tax assessments to the board of tax and land appeals and the superior court. (Grodin, Cheshire 6, to Municipal and County Government)  
30, am 279, psd 303, S conc 1138, enr 1171 (Chapter 175)



- HB 1406**, relative to prohibiting legally blind persons from carrying a loaded pistol or revolver. (Julie Brown, Strafford 11, et al, to Public Protection and Veterans Affairs)  
30, K 248
- HB 1407**, repealing laws relative to abortion. (K. Wheeler, Strafford 4, et al, to Judiciary)  
30, psd (RC) 629-632, 671, S conc 958, enr 955, veto, S Ct opin req (HR 70) & LT (2 RCs) 1158-1166, opin printed & LT (RC) 1250-1254, K 1267
- HB 1408-FN-L**, relative to technical changes in the unemployment compensation law and increasing the amount of taxable wages. (Skinner, Rockingham 21, to Labor, Industrial and Rehabilitative Services)  
30, am 338-339, psd 363, nonconc S am, conf 1146, 1151, K 1282
- HB 1409**, allowing a unit owner to pay a percentage of a lien for unpaid assessments and to obtain a release of the lien on the unit. (Krueger, Sullivan 6, et al, to Commerce, Small Business and Consumer Affairs)  
30, K 680
- HB 1410-FN-L**, requiring the party requesting an abatement to reimburse the board of tax and land appeals for the costs of reappraisal and investigations for abatement when the original appraisal is found to be correct. (P. Brown, Grafton 11, et al, to Municipal and County Government)  
30, K 247
- HB 1411-FN-L**, limiting the compensation of certain non-attorney guardians ad litem. (Record, Hillsborough 23, to Children, Youth and Juvenile Justice)  
30, K 336
- HB 1412-FN-L**, requiring judges to issue bench warrants for any person scheduled by the court to make time payments who defaults on a time payment or a court appearance. (R. Foster, Carroll 4, to Judiciary)  
30, K 509
- HB 1413-FN**, giving shorefront property owners the right to protect their property from erosion. (Whitemore, Merrimack 10, et al, To Resources, Recreation and Development)  
30, K 346
- HB 1414-FN-A**, establishing a medicaid plan to enhance the funding of services for children and families and making an appropriation therefor. (Chambers, Grafton 12, et al, to Health, Human Services and Elderly Affairs)  
**new title:** relative to the medicaid plan to enhance the funding of services for children and families and making an appropriation therefor.  
30, am & Approp 399-400, psd 587, 671, S conc 1138 enr 1171 (Chapter 176)
- HB 1415-FN**, allowing businesses to use their logos on business directional signs. (Nichols, Merrimack 2, et al, to Public Works)  
30, study 769
- HB 1416**, allowing pre-paid purchasers of prearranged funeral service or burial plan contracts to cancel or transfer the contract. (Horton, Coos 4, et al, to Commerce, Small Business and Consumer Affairs)  
30, K 680
- HB 1417**, requiring the return of a mortgage discharge within 15 days. (Baroody, Hillsborough 39, to Commerce, Small Business and Consumer Affairs)  
30, K 557
- HB 1418**, requiring the attorney general to consider the number of victims served when apportioning the victims' assistance fund. (Spencer, Strafford Dist. 4, et al, to Judiciary)  
31, K 509
- HB 1419**, prohibiting the use of internal combustion engines on Moores Pond in the towns of Tamworth and Madison. (Spencer, Strafford 4, et al, to Transportation)  
31, K 350
- HB 1420**, permitting a law enforcement officer to intercept certain wire and oral communications without the consent of one of the parties to the communication. (L. Smith, Hillsborough 21, et al, to Judiciary)  
31, K (RC) 632-636
- HB 1421**, establishing a task force to develop incentives for energy efficient buildings. (A. Merrill, Strafford 4, et al, to Science, Technology and Energy)  
31, study 543
- HB 1422**, establishing procedures for expediting resolution of medical injury claims. (Burling, Sullivan 1, et al, to Judiciary)  
31, study 636
- HB 1423-FN-L**, requiring the governor and council to appropriate funds to the plaintiffs in the Claremont school district lawsuit on a matching dollar basis for funds appropriated under RSA 7:12 for the state's defense. (Burling, Sullivan 1, et al, to Appropriations)  
31, com changed 41, K (RC) 400-403
- HB 1424**, changing certain definitions and penalties in the laws concerning emergency motor vehicle operation. (B. Hall, Hillsborough 16, to Transportation)  
31, study 282

- HB 1425-A**, relative to railroad rehabilitation and making an appropriation therefor. (Guay, Coos 7, et al, to Public Works)  
31, ext 305, K 475
- HB 1426**, authorizing water users registered and reporting their use to the division of water resources to continue such use for the 1992-93 biennium. (Maviglio, Belknap 1, et al, to Resources, Recreation and Development)  
31, psd 346, 363, S conc 816, enr 817 (Chapter 28)
- HB 1427**, to restrict the policymaking authority of the fiscal committee. (Nardi, Hillsborough 35, et al, to Legislative Administration)  
31, study 666
- HB 1428**, establishing a study committee to investigate the need and possible funding sources for a state witness protection program. (Jeffrey Brown, Rockingham 14, to Judiciary)  
31, K 376
- HB 1429**, relative to accounting for land use change tax funds. (Peyron, Sullivan 2, to Municipal and County Government)  
31, psd 380, 407, S conc 958, enr 1144 (Chapter 122)
- HB 1430**, relative to the disclosure of certain information relating to musical performances. (Trombly, Merrimack 4, et al, to Commerce, Small Business and Consumer Affairs)  
**new title:** relative to the disclosure of certain information and refunds relating to musical performances.  
**2nd new title:** relative to the disclosure of certain information relating to musical performances.  
31, am 263-265, psd 303, nonconc S am, conf 1019-1020, 1141, 1169, rep adop 1215, enr 1247 (Chapter 236)
- HB 1431-FN**, requiring electric utilities to submit reports on their progress in implementing least cost energy plans and requiring the public utilities commission to submit a biennial report detailing least cost resource planning and implementation in the state. (A. Merrill, Strafford 4, et al, to Science, Technology and Energy)  
31, K 348
- HB 1432**, establishing a right to work act which provides for freedom of choice on whether to join a labor organization. (Daniels, Hillsborough 10, et al, to Labor, Industrial and Rehabilitative Services)  
31-32, K (RC) 323-327
- HB 1433**, prohibiting the wearing of certain masks and hoods. (Bell, Rockingham 26, et al, to Judiciary)  
32, K 580
- HB 1434**, requiring employers advertising for replacement workers during a strike to state such in any advertisement. (Baroody, Hillsborough 39, et al, to Labor, Industrial and Rehabilitative Services)  
32, psd 451, 471, S conc 1138, enr 1195 (Chapter 199)
- HB 1435**, prohibiting refiners from requiring that retailers purchase motor fuel from certain distributors and imposing penalties for violations. (Gilmore, Strafford 7, et al, to Science, Technology and Energy)  
32, K (RC) 543-547
- HB 1436**, changing the effective date of certain portions of the shoreland protection act. (Maviglio, Belknap 1, et al, to Resources, Recreation and Development)  
**new title:** relative to septic setbacks and terrain alteration permits.  
32, am 386-387, psd 407, conc S am 1021, enr 1207 (Chapter 157)
- HB 1437**, requiring a total refund on concerts or other event tickets and obligating event promoters to reimburse ticket sellers for all service fees. (Malcolm, Rockingham 17, et al, to Commerce, Small Business and Consumer Affairs)  
32, K 265
- HB 1438-FN**, requiring the department of administrative services to include consideration of energy efficiency in its purchase of lighting, heating, and cooling devices and establishing an interagency energy efficiency committee. (A. Merrill, Strafford 4, et al, to Executive Departments and Administration)  
32, study 567
- HB 1439**, instituting a motor vehicle emissions inspection program and requiring a study of the impact of diesel fuel and vehicles on the environment. (E. Greene, Rockingham 18, et al, to Environment and Agriculture)  
**new title:** instituting a motor vehicle emissions inspection program and requiring a study of diesel and other vehicles.  
32, am 621-623, psd 671, nonconc S am, conf 1142, rep adop 1216, enr 1247, appointments 1289 (Chapter 237)
- HB 1440-FN-L**, relative to preparation of master jury lists by the department of safety from drivers' licenses lists. (Pelley, Strafford 10, et al, to Judiciary)  
32, am 376-377, psd 407, S conc 829, enr 832 (Chapter 38)
- HB 1441-FN-A**, not introduced.

- HB 1442-L**, relative to a census of school age children. (P. Brown, Grafton 11, et al, to Education)  
32, psd 265, 303, S conc 816, enr 817 (Chapter 29)
- HB 1443-FN-L**, extending the time period allowed for redemption before a municipality may sell a property for nonpayment of property taxes. (Chambers, Grafton 12, et al, to Municipal and County Government)  
32, rem 500, K 551
- HB 1444-FN-A**, distributing a portion of the meals and rooms tax to promote tourism in the state in the event a personal income tax becomes law. (Arnesen, Grafton 7, to Ways and Means)  
32, K 360
- HB 1445-FN-L**, clarifying the definition of a year-round dwelling. (Roulston, Rockingham 20, to State Institutions and Housing)  
32, study 465-466
- HB 1446-FN**, requiring automobile dealers to register all demonstration cars. (J. Johnson, Merri-mack 11, to Transportation)  
32, K 350
- HB 1447-FN** increasing witness fees for law enforcement officers. (W. McCain, Rockingham 11, et al, to Appropriations)  
32, com changed 129, Approp 403-404, am 762, psd 805, S conc 1138, enr 1207 (Chapter 158)
- HB 1448**, relative to the loyalty oath for teachers. (Champagne, Cheshire 17, et al, to Education)  
32, psd 530, 553, conc S am 956-957, enr 1167 (Chapter 137)
- HB 1449-FN**, repealing the law requiring the state to compile and publish school laws. (Skinner, Rockingham 21, et al, to Education)  
**new title:** relative to the cost of publishing school laws.  
33, am 356, psd 363, S conc 959, enr 1144 (Chapter 123)
- HB 1450** establishing a 5-year capital budget plan. (Lougee, Grafton 13, et al, to Public Works)  
33, rem 500, K 552
- HB 1451-FN**, relative to the transportation of pupils living within a certain distance from the school to which they are assigned. (Hoelzel, Rockingham 6, et al, to Education)  
33, rem 308, rcmt 329, am 448, psd 470, S conc 959, enr 1167 (Chapter 159)
- HB 1452-FN-L**, allowing the county treasurer to use call bonds and lines of credit as financial management tools. (G. Katsakiores, Rockingham 7, et al to Municipal and County Government)  
33, am 463-465, psd 471, nonconc S am 1142-1143
- HB 1453-FN**, transferring the responsibility of regulating the propagation of deer and sale of venison from the fish and game department to the department of agriculture. (B. Hall, Hillsborough 16, to Fish and Game)  
**new title:** establishing a study committee to review existing shellfish waters monitoring and closure procedures.  
33, am 570-571, psd 670, conc S am 1147-1148, enr 1195, appointments 1289 (Chapter 200)
- HB 1454-FN**, relative to the motor vehicle fuel tax imposed on propane and compressed natural gases. (A. Bourque, Hillsborough 35, to Public Works)  
33, study 382
- HB 1455-FN**, relative to motor vehicle laws, including increasing motor fuel distributors' minimum bonding amount, suspension of wholesale motor vehicle dealer's registration, hanging disability placards, and other technical changes. (Haynes, Rockingham 9, to Transportation)  
**new title:** relative to motor vehicle laws, including suspension of wholesale motor vehicle dealer's registration, hanging disability placards, other technical changes, and relative to nonresident automobile insurance.  
**2nd new title:** relative to motor vehicle laws, including suspension of wholesale motor vehicle dealer's registration, hanging disability placards, other technical changes, and relative to nonresident automobile insurance.  
33, am 387-390, psd 407, nonconc S am, conf 1145, 1151, rep adop 1216, enr 1248 (Chapter 282)
- HB 1456-FN**, relative to health insurance for state employees. (Ferlan, Hillsborough 24, et al, to Executive Departments and Administration)  
33, ext 304, K 623
- HB 1457-FN**, limiting the display of tobacco products. (Connell, Rockingham 4, to Regulated Revenues)  
33, K 248
- HB 1458-FN**, licensing elevator mechanics. (Baroody, Hillsborough 39, et al, to Executive Departments and Administration)  
33, K 398
- HB 1459-FN**, protecting the job and certain benefits of a classified employee injured in the line of duty. (Baroody, Hillsborough 39, et al, to Executive Departments and Administration)  
33, K 398-399
- HB 1460-FN**, relative to land fee increases in manufactured housing parks. (Lozeau, Hillsborough 25, et al, to State Institutions and Housing)  
33, ext 305, study (RC) 466-469
- HB 1461-FN-A**, not introduced.

- HB 1462-FN**, accelerating parole eligibility prior to the expiration of minimum sentencing based on credits for good conduct, removing the requirement of a 150-day disciplinary period and establishing a performance and behavioral agreement parole requirement. (Braiterman, Merrimack 3, et al, to Judiciary)  
**new title:** establishing a committee to examine all aspects of parole eligibility.  
 33, ext 304, am 580-581, psd 671, S conc 1138, enr 1195, appointments 1289-1290 (Chapter 201)
- HB 1463-FN**, to charge a 10 percent buyer's premium on state-auctioned goods, with the resulting income to be used by the division of historical resources. (Sallada, Hillsborough 4, to Executive Departments and Administration)  
 33, Approp 370, study 677
- HB 1464-FN-A**, relative to children and family services and making an appropriation therefor. (W. McCain, Rockingham 11, et al, To Children, Youth and Juvenile Justice)  
 33, ext 258, K 520
- HB 1465-L**, relative to the taxation and transfer of restricted land. (Metzger, Cheshire 11, et al, to Municipal and County Government)  
 34, am 454, psd 471, S conc 959, enr 1167 (Chapter 138)
- HB 1466-FN**, defining the term "misconduct" for the purposes of disqualification for benefits, increasing the membership on the advisory council on unemployment compensation and making other changes in the unemployment compensation laws. (Maviglio, Belknap 1, et al, to Labor, Industrial and Rehabilitative Services)  
**new title:** modifying the advisory council on unemployment compensation.  
 34, rem 334, am 360-361, psd 363, nonconc S am, conf 1148, 1151, K 1282
- HB 1467-FN**, requiring criminal history record checks for sales of firearms by dealers using a toll-free telephone number. (Pepino, Hillsborough 37, et al, to Public Protection and Veterans Affairs)  
 34, study 248
- HB 1468-FN-L**, relative to the education of disabled children. (W. Riley, Cheshire 5, et al, to Education)  
**new title:** relative to special education catastrophic aid.  
 34, ext 304, am & Approp 458-459, rules suspended 471, am 677-679, psd 749, nonconc S am, conf 1145, 1151, rep adop 1216, enr 1248 (Chapter 238)
- HB 1469-FN-L**, changing the interest rates on delinquent and subsequent taxes. (Lachut, Hillsborough 1, et al, to Municipal and County Government)  
 34, K 380
- HB 1470-FN-L**, relative to education of children. (Lozeau, Hillsborough 25, to Education)  
 34, K 336
- HB 1471-FN**, changing the penalties for theft of timber from another person's land or for altering the mark of any mill log belonging to another person. (Kurk, Hillsborough 3, et al, to Resources, Recreation and Development)  
 34, am 387, psd 407, conc S am 957, enr 1195 (Chapter 202)
- HB 1472-FN-A-L**, providing for property tax relief financed by a credit card use tax. (Kurk, Hillsborough 3, to Ways and Means)  
 34, K 282
- HB 1473-FN**, establishing a New Hampshire scenic and cultural byways system. (Lewis, Merrimack 5, et al, to Public Works)  
 34, am 681-684, psd 749, conc S am 1021, enr 1207 (Chapter 160)
- HB 1474-FN-A**, relative to taxability of real estate transfers. (Ahrens, Hillsborough 13, to Ways and Means)  
 34, am 469-470, psd 471, S conc 1149, enr 1195 (Chapter 203)
- HB 1475-FN**, abolishing the state veterans council. (O'Brien, Strafford 10, to Executive Departments and Administration)  
 34, K 356-357
- HB 1476**, exempting Trager practitioners from the New Hampshire massage therapy laws and requiring such practitioners to adhere to certain other requirements. (Bradley, Carroll 6, to Health, Human Services and Elderly Affairs)  
 34, K 413
- HB 1477-FN-L**, allowing property tax refunds on homesteads when a person's taxes exceed a certain percentage of the person's income. (J. Johnson, Merrimack 11, to Municipal and County Government)  
 34, K 247
- HB 1478-FN-L**, restructuring the Pease development authority. (Arnesen, Grafton 7, et al, to Commerce, Small Business and Consumer Affairs)  
 34, ext 303, am 521-522, psd 553, nonconc S am 1146, recon, nonconc S am, & conf 1152, 1168, 1169, rep rej (RC) & conf discharged 1216-1219, K 1282



- HB 1479-FN**, allowing classified state employees disabled by a job-related injury to accumulate holiday, sick and annual time for one year and to have their salary increment dates protected for one year. (Baroody, Hillsborough 39, et al, to Executive Departments and Administration) 34-35, K 370
- HB 1480-FN**, requiring persons who default on court appearances for motor vehicle offenses to pay witness fees for law enforcement officers. (G. Katsakiores, Rockingham 7, et al, to Judiciary) 35, am 413, psd 439, S conc 816, enr 832 (Chapter 39)
- HB 1481-FN-A**, relative to a uniform business tax. (W. McCann, Strafford 7, to Ways and Means) 35, K 550-551
- HB 1482-FN-A**, lowering the business profits tax and dedicating a portion of the business profits tax to venture capital programs, in the event a personal income tax becomes law. (Arnesen, Grafton 7, to Ways and Means) 35, K 360
- HB 1483-FN**, establishing a system of state financial incentives to stimulate a paper recycling industry in the state of New Hampshire. (Janas, Hillsborough 39, et al, to Economic Development) 35, study 313
- HB 1484-FN** to provide retirement system credit for service in the university system of New Hampshire. (Yeaton, Merrimack 7, to Executive Departments and Administration) 35, K 399
- HB 1485**, requiring the division for children and youth services to use reasonable efforts to preserve families while providing services designed to protect children. (Wallner, Merrimack 21, et al, to Children, Youth and Juvenile Justice)  
**new title:** relative to children and family services, requiring the division for children and youth services to use reasonable efforts to preserve families while providing services designed to protect children.  
 35, am (RC) 587-610, psd 671, S nonconc 829
- HB 1486-FN-A-L**, relative to a one percent state income tax and making an appropriation therefor. (Jacobson, Merrimack 2, to Ways and Means) 35, K 382
- HB 1487-FN-A**, decreasing the interest and dividends tax. (D. Young, Cheshire 1, to Ways and Means) 35, K 320
- HB 1488-FN-A**, decreasing the telecommunications tax. (D. Young, Cheshire 1, to Ways and Means) 35, SO 406, K 410
- HB 1489-FN-A-L**, authorizing casino excursion cruises, imposing state and municipal taxes and making an appropriation therefor. (Pantelakos, Rockingham 24, to Regulated Revenues) 35, K 327
- HB 1490-FN-A-L**, establishing a program in which school districts have the option to test students, faculty and administrators in schools for drugs and alcohol, and continually appropriating a special fund. (Elliott, Hillsborough 2, et al, to Education) 35, K 313
- HB 1491-FN-L**, requiring professional fundraisers for police, law enforcement and firefighters' associations to register with and be regulated by the department of justice, increasing the amount of the registration fee, solicitation fee and bond, and making technical amendments to the registration law. (Hager, Merrimack 21, to Commerce, Small Business and Consumer Affairs) 35, ext 303, am 504-505, psd 553, nonconc S am, conf 1145, 1151, rep adop 1219, enr 1248 (Chapter 239)
- HB 1492-A** eliminating the capital appropriation for the demolition of the Walker building. (McNerney, Hillsborough 6, et al, to Public Works) 35, psd 415, 439, S conc 959, enr 1017 (Chapter 107)
- HB 1493-A**, relative to the east-west highway study and making an appropriation therefor. (Fretchett, Strafford 8, et al, to Public Works)  
**new title:** relative to extending the east-west highway study deadline.  
**2nd new title:** increasing the appropriation to the east-west highway study and extending the study deadline.  
 36, am & Approp 406, am 763, psd 805, nonconc S am, conf 1146-1147, 1151, rep adop 1220, enr 1248 (Chapter 283)
- HB 1494-FN-L**, implementing the recommendations of the New Hampshire supreme court long-range planning task force regarding the judicial branch. (Martling, Strafford 4, et al, to Judiciary) 36, ext 304, am 636-663, psd 671, conc S am 1142, enr am 1243, enr 1248, appointments 1299-1300 (Chapter 284)
- HB 1495-FN**, transferring harbor masters from the port authority to the department of resources and economic development and requiring harbor master appointments to be made from town nominees, requiring mooring fees to be used for harbor dredging, and repealing powers of arrest

granted to harbor masters. (Drake, Rockingham 18, et al, to Resources, Recreation and Development)

**new title:** establishing a committee to study the management of New Hampshire tidal waters and related issues.

36, am 346-347, psd 363, nonconc S am, conf 1147, 1151, rep adop 1220, enr 1248, appointments 1290 (Chapter 240)

**HB 1496-FN-L**, relative to defined benefits, defined contributions, and the funding methodology of the retirement system. (Ward, Grafton 1, et al, to Executive Departments and Administration)

**new title:** relative to the funding methodology of the retirement system.

36, ext 304, remarks 455, am (2 RCs) & Approp 479-488, rules suspended 493, psd 587, 671, S nonconc 1019

**HB 1497-FN-L**, relative to retirement benefits, employer contributions to the retirement system, and the retirement system board of trustees. (Ward, Grafton 1, et al, to Executive Departments and Administration)

36, ext 304, remarks 455, K (RC) 488-491, recon notice 554, recon rej (RC) 615-618

**HB 1498-FN**, relative to drug forfeiture. (Burling, Sullivan 1, to Judiciary)

36, am 581-583, psd 671, S conc 1149, enr 1171, veto sustained (RC) 1258-1263

**HB 1499-FN**, relative to inter-track wagering and the conduct of simulcast racing. (Benton, Rockingham 5, et al, to Regulated Revenues)

259, am 585-586, psd 571, S conc 829, enr 829 (Chapter 16)

**HB 1500-FN**, making the police standards and training council responsible for certification of corrections officers. (D. Sytek, Rockingham 20, to Executive Departments and Administration)

259, ext 304, study 567

**HB 1501-L**, relative to unfunded state mandates. (D. Young, Cheshire 1, to Municipal and County Government)

intro & rules suspended 500, psd 769, 805, conc S am 1140, enr 1167 (Chapter 161)

**HB 1502**, relative to a non-binding state referendum question concerning a personal income tax. (D. Sytek, Rockingham 20, to Ways and Means)

815, am (RC) & LT 940-945, K 1267

**HB 1503** relative to voting in certain wards in the city of Concord. (Teague, Merrimack 18, et al, to Constitutional and Statutory Revision)

rules suspended, intro & psd 1265. S conc & enr 1283 (Chapter 290)

**HB 1504-L** providing for the election of delegates to a constitutional convention. (Flanagan, Rockingham 8, et al, to Constitutional and Statutory Revision)

rules suspended, intro & LT 1281

## 1992 SESSION

### HOUSE CONCURRENT RESOLUTION

#### 1991 HCR RE-REFERRED TO COMMITTEE

**HCR 15**, requesting the department of revenue administration to change its interpretation of the legislative intent concerning the applicability of the business profits tax to the sale and rental of personal residences.

K 96

## 1992 SESSION

### HOUSE CONCURRENT RESOLUTIONS

**HCR 20**, urging the federal government to establish a post office in the town of Lee. (Spencer, Strafford 4, et al, to State-Federal Relations)

37, adop 584, 671, S conc 1138

**HCR 21**, urging the U.S. Congress to adopt uniform recycling product labeling standards based on standards developed by the Northeast Recycling Council. (Bradley, Carroll 6, to State-Federal Relations)

37, adop 455, 471, S conc 959

**HCR 22**, showing the general court's non-support for the federal wetlands policy of manufacturing wetlands to replace wetlands taken for highway construction. (Whittemore, Merrimack 10, to Public Works)

37, K 512

**HCR 23**, urging the federal government to pass legislation limiting the cost of prescription drugs. (L. Apple, Merrimack 9, to State-Federal Relations)

37, 667

**HCR 24**, urging President Bush to establish a panel or commission to review access to current health care systems and to adopt unified access to health care in this country. (Wall, Strafford 4, et al, to State-Federal Relations)

- new title:** urging the President to establish a commission to review access to current health care systems and to adopt unified access to health care in this country and urging Congress to enact recommendations of the commission.  
37, am 514-515, adop 553, S conc 959
- HCR 25,** encouraging the operators of cable television systems to utilize a portion of their capacity to deliver commercial-free educational programming. (Corte, Strafford 6, et al, to Science, Technology and Energy)  
37, rem 334, am 361-362, adop 363, S conc 816
- HCR 26,** urging the New Hampshire legislature and the New Hampshire Congressional delegation to discourage certain Air Force testing of F-16 fighter aircraft in New Hampshire airspace. (Maviglio, Belknap 1, et al, to State-Federal Relations)  
**new title:** urging the New Hampshire legislature and the New Hampshire Congressional delegation to discourage certain Air National Guard testing of F-16 fighter aircraft in New Hampshire airspace.  
37, am 584-585, adop 671, conc S am 832
- HCR 27,** encouraging the governor to reduce the expenditure of funds for state employee health insurance premiums. (Rosen, Belknap 9, et al, to Appropriations)  
37, K 679
- HCR 28,** urging the federal government to restore full funding for prescription drugs for veterans with service-related disabilities. (Rubin, Rockingham 19 - to State-Federal Relations)  
308, rules suspended 363, adop 585, 671, S conc 1138
- HCR 29,** urging Congress to reduce military spending in light of the end of the Cold War. (Arnesen, Grafton 7, et al, to State-Federal Relations)  
473, K 667-668
- HCR 30,** relative to the small-issue industrial development bond program. (Gross, Merrimack 16, et al, to Economic Development)  
500, rules suspended 554, adop 769, 805, S conc 857

## 1992 SESSION

### HOUSE RESOLUTIONS

#### 1991 HRs RE-REFERRED TO COMMITTEE

- HR 11,** petition contesting the seating of representative Cynthia A. McGovern of Portsmouth, New Hampshire.  
K 208-209
- HR 21,** affirming revenue estimates for fiscal years 1992 and 1993.  
am & LT 292-293, am & LT 1166-1167, K 1267

## 1992 SESSION

### HOUSE RESOLUTIONS

- HR 50,** urging the speaker of the house to create a committee to establish a statewide hospital health insurance plan based on regional criteria. (Jacobson, Merrimack 2, to Legislative Administration)  
37, K 666
- HR 51,** encouraging subdivisions of state government to privatize. (Warburton, Rockingham 6, to Municipal and County Government)  
37, K 465
- HR 52,** urging the leadership to assign bills pertaining to health insurance to both the commerce, small business and consumer affairs committee and the health, human services and elderly affairs committee. (K. Wheeler, Strafford 4, et al, to Legislative Administration)  
37, K 666-667
- HR 53,** amending the House Rules for the 1992 Session.  
intro & adop 39-41
- HR 54,** memorializing State Representative Warren L. Swope of Milton Mills  
intro & adop 7
- HR 55,** memorializing State Representative Henry F. Whitcomb, Jr., of Littleton  
intro & adop 8
- HR 56,** memorializing State Representative Francis D. Jelley of Concord  
intro & adop 185-186
- HR 57,** honoring Charles B. Roberts of Laconia on his 100th birthday  
intro & adop 244-245
- HR 58,** memorializing State Representative Gabrielle V. Gagnon of Nashua.  
intro & adop 306-307
- HR 59,** saluting Jamie Lee Sample of Alton.  
intro & adop 499

- HR 60**, requesting an opinion of the justices concerning the constitutionality of HB 1301-FN. (A. Merrill, Strafford 4; et al)  
intro & adop 765, opin printed 1228-1231
- HR 61**, requesting an opinion of the justices regarding the constitutionality of HB 1058-FN. (Hager, Merrimack 21)  
intro & adop 758-759, opin printed 1268-1276
- HR 62**, urging the President of the United States and Congress to repeal the tax on unemployment compensation benefits at any level and rate. (Chambers, Grafton 12, et al, to State-Federal Relations)  
555, adop 1002, 1016
- HR 63**, proclaiming October 12, 1992, as Native American Day, which day also commemorates the 500th anniversary of the arrival of Christopher Columbus. (Bell, Rockingham 26, et al, to State-Federal Relations)  
810, K 1013
- HR 64**, proclaiming Labor Day 1992 as "Help Yourself-Buy American Day". (M. Hill Merrimack 14, et al, to Labor, Industrial and Rehabilitative Services)  
810, adop 1153, 1168
- HR 65**, memorializing State Representative John E. Splaine, Sr., of Portsmouth.  
intro & adop 809-810
- HR 66**, amending 1992 House Rules. (Rubin, Rockingham 19)  
intro & LT 813, K 1267
- HR 67**, urging the President of the United States to formally recognize the free and sovereign republic of Croatia. (Welch, Rockingham 10, et al, to State-Federal Relations)  
816, LT 1013, K 1267
- HR 68**, encouraging the Commission on National and Community Service to provide federal grant moneys for state-wide community service opportunities. (Skinner, Rockingham 21, et al, to Labor, Industrial and Rehabilitative Services)  
858, adop 1154, 1168
- HR 69**, establishing procedures and deadlines for the filing of bills for the 1993 session. (Burns, Coos 5)  
intro & adop (RC) 1154-1158, 1168
- HR 70**, requesting an opinion of the justices concerning the constitutionality of certain laws relative to abortion. (Hager, Merrimack 21, et al)  
intro & adop (RC) 1159-1162, 1168, opin printed 1250
- HR 71** saluting state Representative Rick Trombly of Boscawen.  
intro & adop 1206
- HR 72** calling for the preservation of Wentworth-By-The-Sea. (Fuller-Clark, Rockingham 25, et al, to State Institutions and Housing)  
rules suspended, intro & adop 1263-1264
- HR 73** urging the governor to place a high priority on early intervention services for children. (Walner, Merrimack Dist. 21, et al, to Children, Youth and Juvenile Justice)  
rules suspended, intro & adop 1264-1265
- HR 74** honoring Mary P. Chambers, House Minority Leader  
intro & adop 1266
- HR 75** requesting an opinion of the justices concerning the constitutionality of HB 1504-L. (Flanagan, Rockingham, Dist. 8, et al)  
intro & adop 1281-1282

## SENATE BILLS

### 1991 BILLS RE-REFERRED TO COMMITTEE BY HOUSE

- SB 16-FN**, relative to the board of dental examiners. (Executive Departments and Administration)  
am 63-64, psd 127, S conc 307, enr 364 (Chapter 2)
- SB 18-FN-A**, relative to the conservation corps program and making an appropriation therefor. (Education)  
K 55
- SB 21**, establishing a commission to study and recommend the elimination of state-mandated programs. (Legislative Administration)  
K 83
- SB 27-FN**, relative to extended terms of imprisonment for assault crimes where the victim is a law enforcement officer. (Judiciary)  
**new title:** relative to extended terms of imprisonment for assault crimes where the victim or perpetrator is a law enforcement officer.  
am 177-178, psd 184, S conc 307, enr 364 (Chapter 3)
- SB 60-A**, creating a task force to study the Laconia - I-93 connector highway. (Public Works)  
**new title:** establishing a task force to study the Laconia to Franklin highway problems.  
am 85-86, psd 128, S conc 307, enr 364, appointments 1290 (Chapter 4)



- SB 62-FN**, relative to licensure of athletic trainers. (Executive Departments and Administration)  
**new title:** requiring the introduction of legislation in the 1993 session relative to athletic trainers and the board of registration in medicine.  
 am 64-65, psd 127, S nonconc, conf 1021, rep adop 1172, enr 1248, appointments 1290 (Chapter 241)
- SB 76**, relative to the age requirement for retirement communities. (State Institutions and Housing)  
 K 94
- SB 81**, relative to damages for wrongful death. (Judiciary)  
 K 178
- SB 107-FN**, relative to tenants' security deposits. (State Institutions and Housing)  
 am 95, psd 128, S nonconc 308
- SB 120-FN-A**, establishing a sunset committee and restoring the sunset review process and making an appropriation therefor. (Executive Departments and Administration)  
**new title:** establishing a task force on a sunset review process and the authority of the general court to disapprove proposed administrative rules.  
 am 172-173, psd 184, S conc 308, enr 364, appointments 1291 (Chapter 5)
- SB 154-FN**, relative to the jurisdiction of state police employees. (Judiciary)  
 K 178
- SB 156-FN-A**, establishing a committee to study the SAU structure within the state of New Hampshire and making an appropriation therefor. (Education)  
 K 106
- SB 159-FN**, relative to posting of public documents in licensed health facilities and health care facilities. (Health, Human Services & Elderly Affairs)  
 K 72
- SB 162-A**, relative to rebuilding, modernizing, and maintaining rail properties and making an appropriation for the Conway branch line. (Public Works)  
 K 86
- SB 172-FN-A**, establishing a committee to study the board and care rates for residents of enhanced family care facilities. (Health, Human Services & Elderly Affairs)  
**new title:** relative to enhanced family care facilities and making an appropriation therefor.  
 am & Approp 118-119, ext 245, am 320-321, psd 332, S conc 472, enr 555 (Chapter 10)
- SB 184-FN**, relative to voter registration. (Constitutional and Statutory Revision)  
 study 164
- SB 186-FN**, establishing a committee to study household hazardous waste. (Environment and Agriculture)  
 K 170
- SB 192-FN-A**, relative to the office of chief medical examiner. (Executive Departments and Administration)  
 K 65
- SB 193-FN**, relative to limits on motorboat speeds. (Transportation)  
 rem 42, SO 127, am 150-151, psd 184, S conc 365, enr 493 (Chapter 7)
- SB 196-FN**, relative to administrative revocation of motor vehicle licenses of persons under age 21. (Transportation)  
 K 96
- SB 205-FN**, establishing a committee to study the enforcement of RSA 205-A. (State Institutions and Housing)  
 K 95
- SB 213-FN-A**, relative to the distribution of meals and rooms tax revenue. (Ways and Means)  
 SO 256, K (RC) 289-292
- SB 220-FN**, relative to foster care. (Children, Youth and Juvenile Justice)  
**new title:** relative to the district court's jurisdiction over certain children and making an appropriation therefor.  
 am & Approp 105-106, am 321-322, psd 332, S conc 472, enr 555 (Chapter 11)

## 1992 SESSION SENATE BILLS

- SB 300**, reapportioning the New Hampshire congressional districts. (Constitutional and Statutory Revision)  
 494, am 811-812, psd 812, S conc & enr 817 (Chapter 15)
- SB 303**, establishing a committee to study the various options available to fund and deliver medical benefits for state employees and relative to the funding methodology of the retirement system. (Executive Departments and Administration)  
 440, psd 818, 825, enr 952, appointments 1291 (Chapter 55)
- SB 304-FN-A**, relative to business assistance and institutional arrangements. (Economic Development)  
 807, am & Approp 880-882, psd 1024, 1137, S nonconc, conf 1143, rep adop 1172-1173, enr 1248, appointments 1298 (Chapter 242)

- SB 306**, allowing bonus payments in recognition of service during the Persian Gulf War and making an appropriation therefor. (Public Protection and Veterans Affairs)  
**new title:** allowing bonus payments in recognition of service during the Persian Gulf War.  
 807, rem 818, am & LT 823-824, Approp (2 RCs) 848-854, am (RC) 1002-1006, psd 1016, S conc 1139, enr 1195 (Chapter 204)
- SB 307-FN**, authorizing disclosure of certain information contained in the records of the department of revenue administration to the office of reimbursements, division of mental health and developmental services. (Executive Departments and Administration)  
 494, psd 818, 825, enr 832 (Chapter 40)
- SB 308**, revising the business corporation act. (Judiciary)  
 807, am 1057-1136, psd 1137, S nonconc, conf 1148, rep adop 1173, enr 1248 (Chapter 255)
- SB 311**, exempting certified fire investigators and certain towing companies from licensure under the detective agencies and securities services act, changing the qualification for fire investigators and changing the date for renewal or reinstatement of private detective licenses. (Public Protection and Veterans Affairs)  
 495, am 872-873, psd 950, S conc 959, enr 1167 (Chapter 139)
- SB 313**, relative to gender balance on boards and commissions. (Executive Departments and Administration)  
 495, psd 819, 825, enr 952 (Chapter 56)
- SB 314-FN-A-L**, making a supplemental appropriation for the board of tax and land appeals and increasing filing fees for appeals to the board. (Municipal and County Government)  
 807, am & Approp 926-927, psd 1006, 1016, S conc 1141, enr am 1243-1244, enr 1248 (Chapter 285)
- SB 316**, establishing a committee to study cable television rates and the possibility of introducing competition into the marketplace in order to lower rates. (Science, Technology and Energy)  
 495, am 873, psd 950, S conc 959, enr 1167, appointments 1291 (Chapter 140)
- SB 318**, relative to fire protection areas within the town of Litchfield. (Municipal and County Government)  
 440, K 871
- SB 319**, separating the AFDC standard of need from the AFDC payment standard, increasing the AFDC standard of need and increasing medicaid eligibility for pregnant women and children. (Appropriations)  
**new title:** increasing medicaid eligibility for pregnant women and infants.  
 807, am & LT 1025, rules suspended & psd 1187, 1189, S conc 1203, enr am 1244, enr 1248 (Chapter 286)
- SB 321**, repealing an exemption for town clerks relative to voter registration. (Constitutional and Statutory Revision)  
**new title:** relative to voter registration and changes in party affiliation with town clerks.  
**2nd new title:** relative to voter registration and changes in party affiliation with town clerks and relative to supervisors of the checklist.  
 495, am 879-880, psd 950, recon notice 953, recon & am 992-993, psd 993, S nonconc, conf 1022, rep adop 1173-1174, enr am 1244, enr 1248 (Chapter 287)
- SB 322**, establishing a committee to study the effectiveness of the laws decommissioning nuclear power plants. (Science, Technology and Energy)  
 495, K 936
- SB 323**, Establishing a committee to study the issue of physician self-referrals. (Health, Human Services and Elderly Affairs)  
 440, psd 834, 855, enr 952, appointments 1291 (Chapter 82)
- SB 324**, establishing a commission on the family and permitting Jewish Rabbis who are not citizens of the United States to solemnize marriages. (Children, Youth and Juvenile Justice)  
 495, am 874, psd 950, S nonconc, conf 959, rep adop 1175-1176, enr 1248, appointments 1297 (Chapter 243)
- SB 326-FN**, relative to the Lamprey solid waste district. (Environment and Agriculture)  
 495, psd 833, 855, enr 952 (Chapter 83)
- SB 327**, establishing a committee to study the effects of substance abuse on health care costs of the state. (Health, Human Services and Elderly Affairs)  
**new title:** establishing a committee to study the effects of substance abuse on health care and economic costs of the state.  
 495, am 991-992, psd 993, S conc 1019, enr 1195, appointments 1292 (Chapter 205)
- SB 329**, authorizing the New Hampshire housing finance authority to assist tenants when a manufactured housing park is undergoing condominium conversion. (State Institutions)  
 495, K 939
- SB 331**, relative to gender equity in athletics. (Education)  
 440, psd 833, 955, enr 952, appointments 1292 (Chapter 84)
- SB 333**, relative to a Piscataqua River basin council. (Resources, Recreation and Development)  
 440, K 931

- SB 334-FN-A**, authorizing the division of public health services to carry out a rabies surveillance to identify and gauge the threat to the public's health. (Health, Human Services and Elderly Affairs)  
**new title:** authorizing the division of public health services to carry out a rabies surveillance to identify and gauge the threat to the public's health and making an appropriation therefor.  
 807, rem 858, Approp 946, am 1006-1007, psd 1016, S conc 1141, enr 1215 (Chapter 206)
- SB 335-FN**, authorizing the board of marital mediator certification to establish and collect certification fees, establish a budget and certify certain applicants. (Executive Departments and Administration)  
**new title:** authorizing the board of marital mediator certification to establish and collect certification fees, certify certain applicants and making an appropriation therefor.  
 807, am & Approp 864-865, psd 1007, 1017, S conc 1142, enr 1248 (Chapter 207)
- SB 339**, relative to regulatory reform. (Commerce, Small Business and Consumer Affairs)  
**new title:** relative to regulatory reform and transferring certain responsibilities relative to securities regulation from the department of justice to the secretary of state.  
 807, rules suspended 829, am 1046-1057, psd 1137, S nonconc, conf 1143, 1169, rep adop 1176, enr 1248, appointments 1292-1293 (Chapter 288)
- SB 340-FN**, clarifying the definition of a school district. (Education)  
 495, am 862-863, psd 950, S conc 959, enr 1144 (Chapter 124)
- SB 342**, relative to resisting arrest or detention. (Judiciary)  
 495, psd 865, 950, enr 955 (Chapter 85)
- SB 343**, relative to reconsideration of town meeting and school district meeting votes. (Municipal and County Government)  
 495, am 871-872, psd 950, S nonconc, conf 960, rep adop 1176-1177, enr 1248 (Chapter 244)
- SB 346**, relative to certain restraining orders and requiring arrest for certain violations of such restraining orders. (Judiciary)  
**new title:** relative to certain orders of protection and to certain restraining orders and requiring arrest for certain violations of such restraining orders and modifying the definition of household member.  
 440, am 1022-1023, psd 1137, S conc 1144, enr 1195 (Chapter 208)
- SB 348**, establishing a committee to study the present and future needs of the correctional system. (Judiciary)  
 495, am 1023-1024, psd 1137, S conc 1144, enr 1225, appointments 1293 (Chapter 209)
- SB 350**, expanding the membership of the task force on mental health and criminal justice and continuing the study of the interactions between the mental health and criminal justice systems. (Judiciary)  
 440, psd 1000, 1016, enr 1167, appointments 1293-1294 (Chapter 162)
- SB 351**, prohibiting the sale of certain products containing phosphorus. (Environment and Agriculture)  
 807, study 1057
- SB 353**, relative to copying recordings. (Judiciary)  
 440, K 1000
- SB 355**, requiring that deposits for the purchase or other disposition of manufactured housing be held in escrow accounts and relative to disposition of tenant's security deposits transferred due to foreclosures. (State Institutions)  
**new title:** requiring that deposits for the purchase or other disposition of manufactured housing be held in escrow accounts.  
 495, ext 816, am 985-986, psd 993, S conc 1019, enr 1195 (Chapter 210)
- SB 356**, relative to quality assurance records in nursing homes and health maintenance organizations. (Health, Human Services and Elderly Affairs)  
 440, psd 818, 825, enr 832 (Chapter 41)
- SB 357-FN**, prohibiting licensure by any state agency or board where an outstanding court default or bench warrant has been issued and making license application fees non-refundable. (Executive Departments and Administration)  
 495, K 833
- SB 359**, relative to expending moneys by the OHRV bureau for trail maintenance expenses. (Fish and Game)  
 440, psd 833, 855, enr 955 (Chapter 86)
- SB 360**, establishing a committee to study head injury cases in New Hampshire. (Health, Human Services and Elderly Affairs)  
 440, rem 832, am 841-842, psd 855, S conc 951, enr 1017, appointments 1294 (Chapter 87)
- SB 361**, relative to the impact fee laws. (Municipal and County Government)  
 440, psd 818, 825, enr 832 (Chapter 42)
- SB 362**, redefining proprietary medicines to include nonprescription medicines and exempting non-pharmacy retail stores and outlets from classification as pharmacies for the purpose of RSA 318. (Health, Human Services and Elderly Affairs)  
 495, am 984, psd 993, S nonconc, conf 1143, rep adop 1177, enr 1248 (Chapter 245)



- SB 363**, relative to health insurance coverage of autologous bone marrow transplants. (Commerce, Small Business and Consumer Affairs)  
**new title:** relative to health insurance coverage of autologous bone marrow transplants in the treatment of breast cancer.  
 495, psd (RC) 986-991, 993, recon & am 1014-1016, psd 1017, S conc 1142, enr 1248 (Chapter 211)
- SB 367**, authorizing the department of resources and economic development to sell the Nansen ski jump facility if no interest exists in the private sector to maintain and operate the facility. (Resources, Recreation and Development)  
 807, psd 836-837, 855, enr 952 (Chapter 57)
- SB 368**, changing statutory references to automobile graveyards, motor vehicle junkyards and junk vehicles to include automotive recycling yards or vehicles. (Transportation)  
 495, psd 837, 855, enr 952 (Chapter 88)
- SB 370**, relative to health insurance coverage for scalp hair prostheses. (Commerce, Small Business and Consumer Affairs)  
 440, ext 816, am 981-984, psd 993, S conc 1019, enr am 1227, enr 1248 (Chapter 246)
- SB 371**, establishing a committee to study the feasibility of year round schools. (Education)  
 495, rem 858, am 945, psd 950, S conc 959, enr 1167, appointments 1294 (Chapter 141)
- SB 372**, authorizing industrial development financing for the Manchester Airport. (Economic Development)  
 492, rules suspended & psd 519, enr 538 (Chapter 8)
- SB 375**, allowing the division of parks and recreation to give rewards for information leading to the recovery of stolen division property. (Resources, Recreation and Development)  
 440, am 931-932, psd 950, S nonconc, conf 960, 1153, rep adop 1177-1178, enr 1248 (Chapter 247)
- SB 376-FN-A**, relative to congregate services programs. (Health, Human Services and Elderly Affairs)  
 807, Approp 923, am 1025-1026, psd 1137, S nonconc, conf 1148, rep adop 1178, enr 1248 (Chapter 248)
- SB 377-FN**, relative to penalties for mortgage brokers who fail to file annual reports. (Commerce, Small Business and Consumer Affairs)  
 440, am 861, psd 950, S conc 959, enr 1144 (Chapter 125)
- SB 378**, transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services. (Children, Youth and Juvenile Justice)  
**new title:** transferring certain duties under the uniform reciprocal enforcement of support act from county attorneys to the division of human services and providing for a transition period for such transfer.  
 807, am & Approp 874-877, LT 1026, rules suspended 1187, am 1188, rules suspended & psd 1189, S conc 1203, enr 1248 (Chapter 249)
- SB 380**, relative to membership on planning boards in towns with the town council form of government and relative to the 4-year exemption from certain subdivision regulations and zoning ordinances. (Municipal and County Government)  
**new title:** relative to membership on planning boards in towns with the town council form of government.  
 496, am 836, psd 855, S conc 951, enr 955 (Chapter 89)
- SB 381**, relative to interest on escrow accounts. (Commerce, Small Business and Consumer Affairs)  
 496, am 861-862, psd 950, S conc 959, enr 1017 (Chapter 108)
- SB 382**, establishing a study committee on the selection, nomination and confirmation of judicial appointees. (Judiciary)  
 440, rem 1022, psd 1136, 1137, enr 1168, appointments 1294-1295 (Chapter 168)
- SB 383**, establishing a committee to recommend to the state board of education different methods of obtaining information on persons convicted of any felony involving child abuse. (Children, Youth and Juvenile Justice)  
**new title:** establishing a committee to recommend a method of screening school district applicants for employment for felony convictions.  
 496, am 858-859, psd 950, S conc 959, enr 1137, appointments 1295 (Chapter 109)
- SB 384**, relative to foreclosures and sale of mortgaged property. (Commerce, Small Business and Consumer Affairs)  
 496, rem 998, K 1014
- SB 385**, to provide insurance coverage for court-ordered psychiatric and psychological services. (Commerce, Small Business and Consumer Affairs)  
 496, psd 991, 993, enr 1171 (Chapter 177)
- SB 386-FN**, relative to the publications, specialty items and fund raising revolving fund of the fish and game department and authorizing certain fund raising by the department. (Fish and Game)  
 440, psd 834, 855, enr 952 (Chapter 58)



- SB 387**, authorizing legally constituted boards and commissions which are created for the purpose of state historic site restoration the option of retaining ownership of any historic site furnishings which they acquire with other than state funds. (State Institutions)  
496, psd 939, 950, enr 955 (Chapter 90)
- SB 388-L**, relative to preserving utility licenses on municipal and state discontinued highways. (Municipal and County Government)  
496, psd 818, 825, enr 952 (Chapter 59)
- SB 390**, establishing a revenue estimating conference which shall estimate anticipated state revenues. (Ways and Means)  
807, K 837-838
- SB 391**, relative to the use of surplus campaign contributions by candidates for state office. (Constitutional and Statutory Revision)  
496, psd 880, 950, enr 955 (Chapter 91)
- SB 392**, relative to guardians ad litem. (Children, Youth and Juvenile Justice)  
**new title:** relative to guardians ad litem and establishing a committee to study the appointment, use, and compensation of guardians ad litem.  
440, am & Approp 859-860, rem 998, psd 1013, 1017, S conc 1142, enr 1195, appointments 1295 (Chapter 212)
- SB 393**, relative to infrastructure development and making appropriations therefor. (Economic Development)  
807, am & Approp 882-888, psd 1026, 1137, S nonconc, conf 1143, rep adop 1178-1183, enr 1248, appointments 1295-1296 (Chapter 260)
- SB 394**, relative to the jurisdiction of the labor department over self-insured workers' compensation programs. (Labor, Industrial and Rehabilitative Services)  
308, psd 811, 812, enr 832 (Chapter 43)
- SB 396**, relative to motor vehicles and defaults on court fines and taxes. (Judiciary)  
440, K 865
- SB 397**, relative to long-term job supports for severely disabled persons. (Labor, Industrial and Rehabilitative Services)  
496, Approp 925-926, K 998
- SB 398**, permitting the sale of red deer and elk venison. (Fish and Game)  
440, am 834, psd 855, S conc 951, enr 955 (Chapter 92)
- SB 399-FN-L**, requiring rabies shots for cats. (Municipal and County Government)  
496, am 927-929, psd 950, S nonconc, conf 998, rep adop 1183-1184, enr 1248 (Chapter 250)
- SB 400-FN-A-L**, requiring fees in addition to licensure fees for certain dogs which are not spayed or neutered and using the increase to fund a state animal population control program and continually appropriating the companion animal population control fund. (Municipal and County Government)  
496, K 841
- SB 401**, removing the exemption from jury service for physicians and surgeons. (Health, Human Service and Elderly Affairs)  
440, K 818
- SB 403-L**, requiring that dogs and cats placed by shelters and pounds be spayed or neutered. (Municipal and County Government)  
496, K 929
- SB 404-FN**, relative to chiropractic practitioners and privileged communications. (Judiciary)  
496, psd 836, 955, enr 955 (Chapter 93)
- SB 405-FN**, relative to driver attitude training for repeat and habitual offenders. (Transportation)  
496, am 939-940, psd 950, S conc 959, enr 1207 (Chapter 163)
- SB 407-FN**, relative to the acceptance of credit cards for motor vehicle related offenses by clerks of court and bail commissioners. (Executive Department and Administration)  
440, K 833
- SB 409**, relative to misrepresentations of weight by commercial packagers. (Environment and Agriculture)  
496, K 1057
- SB 410** relative to AIDS. (Health, Human Services and Elderly Affairs)  
**new title:** creating a task force to study establishing precautionary measures to be followed by health care workers to control the spread of AIDS, hepatitis and tuberculosis.  
440, am 835-836, psd 855, S nonconc, conf 960, rep adop 1184, enr 1248, appointments 1296 (Chapter 251)
- SB 411-FN**, relative to special education catastrophic aid. (Education)  
807, am & Approp 919-921, am 998-999, psd 1016, S nonconc 1139
- SB 412-FN-L**, relative to signage by nonprofit organizations in zoned commercial, or industrial areas. (Public Works)  
496, study 818-819

- SB 413-FN**, allowing nonprofit organizations to use informational signs on certain highways. (Resources, Recreation and Development)  
440, K 837
- SB 414-FN**, authorizing a pilot program in one county for investigative services for attorneys providing counsel to indigent defendants. (Judiciary)  
807, Approp 865, psd 999, 1016, enr 1144 (Chapter 126)
- SB 417-FN**, requiring notification of associated costs of converting fuel heating systems and allowing recovery for costs of removal of leaking residential tanks from the oil discharge and disposal cleanup fund. (Resources, Recreation and Development)  
496, K 837
- SB 418**, changing the title of juvenile services officers to juvenile probation-parole officers. (Children, Youth and Juvenile Justice)  
496, am 860-861, psd 950, S nonconc, conf 959-960, rep adop K 1184
- SB 419-FN**, relative to a parental choice in education program. (Education)  
S req S Ct opin, communication 1266-1267
- SB 420-FN**, relative to interviewing children under the provisions of the Child Protection Act. (Children, Youth and Juvenile Justice)  
496, K (RC) 838-841
- SB 421-FN**, relative to fireworks. (Public Protection and Veterans Affairs)  
496, psd 811, 812, enr 856 (Chapter 44)
- SB 425-FN-L**, relative to statement of expenses for costs incurred for response to forest and brush fires. (Resources, Recreation and Development)  
441, Approp 873, psd 999, 1016, enr 1168 (Chapter 164)
- SB 426-FN**, establishing a task force to develop a strategy to train police and prosecutors to successfully prevent, investigate and prosecute sexual assault cases. (Judiciary)  
**new title:** establishing a task force to develop a strategy to train police, prosecutors and correctional personnel to successfully prevent, investigate and prosecute sexual assault cases.  
441, am 866-867, psd 950, S conc 959, enr 1017 (Chapter 110)
- SB 427-FN**, requiring the registration of sexual offenders. (Judiciary)  
496, ext 830, am 1000-1002, psd 1016, S conc 1142, enr 1195 (Chapter 213)
- SB 428-FN**, designating segments of the Connecticut River for the rivers management program and allowing existing hydroelectric facilities to maintain operations. (Resources, Recreation and Development)  
**new title:** designating segments of the Connecticut River for the rivers management and protection program, reclassifying a segment of the Contoocook River, allowing existing hydroelectric facilities to maintain operations, and requiring the establishment of procedures before water can be released from dams.  
497, am 932-936, psd 950, S nonconc, conf 960, new conf 1184, 1207, rules suspended & rep adop 1220, enr am 1244-1245, enr 1249, (Chapter 261)
- SB 429**, relative to selecting engineers, architects, and surveyors by state agencies. (Executive Departments and Administration)  
807, psd 865, 950, enr 1144 (Chapter 127)
- SB 430**, relative to the establishment of regional offices for the vocational rehabilitation division. (Executive Departments and Administration)  
441, psd 833, 855, enr 952 (Chapter 60)
- SB 432-FN**, relative to motorcycle noise level limits. (Transportation)  
807, psd 874, 950, enr 955 (Chapter 94)
- SB 433-FN**, relative to the registration and equipment standards of motor vehicles known as street rods. (Transportation)  
441, rem 832, am & Approp 842-843, psd 1007-1008, 1017, S conc 1142, enr 1195 (Chapter 214)
- SB 436-FN-L**, relative to aid to the permanently and totally disabled and the property tax exemption for the blind. (Municipal and County Government)  
**new title:** relative to the property tax exemption for the blind.  
807, am & Approp 872, rem 998, psd & study 1014, psd 1017, S conc 1139, enr am 1171, enr 1225 (Chapter 215)
- SB 437-FN**, relative to the New Hampshire Dental Service Corporation. (Commerce, Small Business and Consumer Affairs)  
807, am 1009-1013, psd 1017, S conc 1139, enr am 1227-1228, enr 1249 (Chapter 252)
- SB 438-FN-A**, relative to the department of transportation equipment inventory fund and making an appropriation therefor. (Public Works)  
807, Approp 930, study 1026-1027
- SB 440-FN**, relative to water conservation strategy for community water suppliers. (Resources, Recreation and Development)  
497, K 837
- SB 441-FN-A**, establishing a statewide enhanced 911 system and continually appropriating a special fund. (Science, Technology and Energy)

- new title:** establishing a statewide enhanced 911 system, continually appropriating a special fund and making an appropriation for initial costs of the system.  
807, am & Approp 937-939, am (2 RCs) 1027-1040, psd 1137, S conc 1144, enr 1168, appointments 1296 (Chapter 165)
- SB 443-FN,** requiring the division for children and youth services to develop, implement and administer an automated case management system. (Children, Youth and Juvenile Justice)  
**new title:**, requiring the division of children and youth services to develop, implement and administer an automated case management system and making an appropriation therefor.  
808, am & Approp 878-879, am & LT 1040-1042, rules suspended 1187, psd 1188, 1189, S conc 1203, enr 1249 (Chapter 216)
- SB 444,** relative to the definition of ski craft. (Transportation)  
497, rem 858, study (RC) 946-949
- SB 445-FN,** establishing a committee to study issues relating to the fishing industry. (Fish and Game)  
497, ext 816, K 1022
- SB 446-A,** authorizing construction of exit 10 on the Spaulding turnpike from bonds previously authorized and changing the classification of the Salmon Falls road in Rochester and Somersworth to class II. (Public Works)  
808, am & Approp 930-931, psd 999, 1016, S conc 1142, enr 1195 (Chapter 217)
- SB 447,** increasing the rate of interest paid on the amount of taxes abated. (Municipal and County Government)  
497, K 872
- SB 450-FN,** relative to capital formation. (Economic Development)  
808, am & Approp 888-919, psd (RC) 1042-1046, 1137, S nonconc, conf 1148, rep adop 1184-1185, enr am 1245, enr 1249, appointments 1297, 1298 (Chapter 262)
- SB 452-FN-L,** redistricting certain district courts. (Judiciary)  
808, SO 924, am (4 RCs) 960-981, psd 993, S nonconc, conf 1022, rep adop 1185-1187, enr 1249 (Chapter 253)
- SB 453-FN,** relative to involuntary commitment procedures. (Health, Human Services and Elderly Affairs)  
750, am 984-985, psd 993, S conc 1019, enr 1195 (Chapter 218)
- SB 459,** limiting increases in electric rates. (Science, Technology and Energy)  
799, K (RC) 819-823, remarks (RC) 825-829
- SB 462-FN,** relative to optional allowances and beneficiaries under the New Hampshire retirement system. (Executive Departments and Administration)  
497, Approp 865, psd 999, 1016, enr 1207 (Chapter 166)
- SB 467-FN-L,** changing the interest rates on delinquent property taxes and subsequent taxes and requiring a certificate of tax payment prior to the moving of a building or structure. (Municipal and County Government)  
**new title:** requiring evidence of tax payment for the moving of a building or structure.  
497, am & Approp 929-930, psd 950, S conc 959, enr 1144 (Chapter 128)
- SB 469-FN,** relative to service retirement allowances and continuing education conferences for retirement system board of trustees. (Executive Departments and Administration)  
808, study 921
- SB 470-FN-L,** relative to using electronic monitoring devices and community supervision as an alternative to prison. (Judiciary)  
497, K 867
- SB 471-FN,** authorizing child day care to certain AFDC clients. (Health, Human Services and Elderly Affairs)  
497, Approp 924, psd 999, 1016, enr 1168 (Chapter 167)
- SB 472-FN,** relative to the victims' assistance fund, the definition of obscene material, modifying sexual assault statutes, and continuing a study committee. (Judiciary)  
**new title:** relative to modifying sexual assault statutes and continuing a study committee.  
497, am & Approp 867-871, psd 1000, 1016, S nonconc, conf 1150, rep adop 1187, enr 1249 (Chapter 254)
- SB 473-FN-A,** relative to a fund for organ transplantation and transferring responsibility from vocational rehabilitation to the division of human services. (Health, Human Services and Elderly Affairs)  
808, rules suspended & Approp 924, K 1046
- SB 474-FN,** relative to regular sessions of a district court in towns within the district. (Judiciary)  
497, SO 924-925, psd 981, 993, enr 1144 (Chapter 129)
- SB 475-FN,** relative to retirement system benefits for withdrawing nongovernmental employees. (Executive Departments and Administration)  
497, am & Approp 921-923, psd 1008-1009, 1017, nonconc S req for conf 1148

**SENATE JOINT RESOLUTION**

- SJR 1-FN**, requiring the department of education to develop a computer education program for public schools. (Education)  
**new title:** requiring the department of education to develop computer education guidelines for public schools.  
 441, am & Approp 863, psd 1000, 1016, S conc 1139, enr am 1171, enr 1225 (Chapter 219)

**SENATE CONCURRENT RESOLUTION****1991 SCR RE-REFERRED TO COMMITTEE BY HOUSE**

- SCR 2**, urging the Federal Energy Regulatory Commission to deny a rate increase for Public Service Company of New Hampshire. (Science, Technology and Energy)  
 K 94

**1992 SESSION****SENATE CONCURRENT RESOLUTIONS**

- SCR 11**, encouraging the U.S. Congress and the President of the United States to consider the economic impact of federal laws and legislation on states. (Economic Development)  
 441, adop 833, 855
- SCR 13**, accepting the factfinder's report and recommendations relative to contract negotiations between the State Employees Association and the state of New Hampshire.  
 rules suspended & K (RC) 1221-1224

**CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS****1991 CACRs RE-REFERRED TO COMMITTEE**

- CACR 2**, relating to biennial legislative sessions. Providing that the general court shall meet biennially.  
 K (RC) 159-162
- CACR 6**, relating to taxation of business income and revenue. Providing that taxes of any type may be imposed on the income or revenue of businesses.  
 SO 139, psd (3 RCs) 192-204, S nonconc 1149
- CACR 9**, relating to revenue raised through a personal income tax. Providing that each year at least 75 percent of all general fund revenues resulting from any personal income tax be returned to the cities, towns, school districts, counties, and property taxpayers to assist in property tax relief.  
 SO 204, K (RC) 737-741
- CACR 13**, relating to taxes on business profits. Providing that the general court may levy taxes on profits or distributions paid to the owners by the business.  
 K 96

**1992 SESSION****CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS**

- CACR 20**, relating to general court membership size. Providing that the house membership shall be 250 and the senate membership shall be 36. (Schmidtchen, Rockingham 23, to Constitutional and Statutory Revision)  
**new title:** relating to senate membership size. Providing that the senate membership shall be 36.  
 36, am & K (RC) 351-355, 1282
- CACR 21**, relating to the operation of private business. Providing that the state shall not operate or participate in the operation of private business. (Warburton, Rockingham 6, to Executive Departments and Administration)  
 36, K 410
- CACR 22**, relating to legislative elections. Providing that members of the house of representatives shall be elected every 4 years. (Lozeau, Hillsborough 25, to Constitutional and Statutory Revision)  
 36, K 322
- CACR 23**, relating to state senate elections. Providing that members of the state senate shall be elected every 4 years and the number of senators from each district shall be increased to 2. (Lozeau, Hillsborough 25, to Constitutional and Statutory Revision)  
 36, K 355
- CACR 24**, relating to gubernatorial elections. Providing that the governor shall be elected every 4 years. (Lozeau, Hillsborough 25, to Constitutional and Statutory Revision)  
 36, K 456
- CACR 25**, relating to right to privacy. Providing that an individual's right to live free from governmental interference in private or personal matters is fundamental. (Kurk, Hillsborough 3, et al, to Constitutional and Statutory Revision)  
 36, study (RC) 799-804



- CACR 26**, relating to a personal income tax. Providing that if an income tax is enacted in the state, it shall be limited to a rate no higher than 4 percent. (D. Sytek, Rockingham 20, to Ways and Means)  
36, remt 204-205, rules suspended & K 1136
- CACR 27**, relating to taxation. Providing that there shall be no tax on earned personal income and no general sales tax. (T. Christie, Merrimack 9, to Ways and Means)  
37, K (RC) 205-208
- CACR 28**, relating to restricted motor vehicle revenues. Providing that excess motor vehicle revenues be appropriated for public transportation. (Senter, Rockingham 9, et al, to Public Works)  
37, rem 500, K 551-552

# TABLE OF REFERENCES FROM CHAPTER OF 1992 LAWS TO BILL NUMBERS

Chapter	Bill	Chapter	Bill	Chapter	Bill
1	HB 1000	51	HB 1119	101	HB 1153
2	SB 16	52	HB 1122	102	HB 1154
3	SB 27	53	HB 1286	103	HB 1196
4	SB 60	54	HB 1341	104	HB 1201
5	SB 120	55	SB 303	105	HB 1242
6	HB 1053	56	SB 313	106	HB 1353
7	SB 193	57	SB 367	107	HB 1492
8	SB 372	58	SB 386	108	SB 381
9	HB 1370	59	SB 388	109	SB 383
10	SB 172	60	SB 430	110	SB 426
11	SB 220	61	HB 545	111	HB 1269
12	HB 1100	62	HB 569	112	HB 317
13	HB 1148	63	HB 562	113	HB 470
14	HB 1328	64	HB 564	114	HB 632
15	SB 300	65	HB 714	115	HB 1111
16	HB 1499	66	HB 726	116	HB 1141
17	HB 1228	67	HB 1108	117	HB 1142
18	HB 338	68	HB 1110	118	HB 1172
19	HB 410	69	HB 1144	119	HB 1339
20	HB 1121	70	HB 1173	120	HB 1361
21	HB 1204	71	HB 1187	121	HB 1390
22	HB 1210	72	HB 1192	122	HB 1429
23	HB 1216	73	HB 1209	123	HB 1449
24	HB 1237	74	HB 1213	124	SB 340
25	HB 1282	75	HB 1217	125	SB 377
26	HB 1316	76	HB 1220	126	SB 414
27	HB 1320	77	HB 1240	127	SB 429
28	HB 1426	78	HB 1243	128	SB 467
29	HB 1442	79	HB 1251	129	SB 474
30	HB 503	80	HB 1327	130	HB 591
31	HB 534	81	HB 1351	131	HB 1139
32	HB 783	82	SB 323	132	HB 1166
33	HB 1152	83	SB 326	133	HB 1191
34	HB 1163	84	SB 331	134	HB 1222
35	HB 1207	85	SB 342	135	HB 1318
36	HB 1261	86	SB 359	136	HB 1342
37	HB 1265	87	SB 360	137	HB 1448
38	HB 1440	88	SB 368	138	HB 1465
39	HB 1480	89	SB 380	139	SB 311
40	SB 307	90	SB 387	140	SB 316
41	SB 356	91	SB 391	141	SB 371
42	SB 361	92	SB 398	142	HB 504
43	SB 394	93	SB 404	143	HB 526
44	SB 421	94	SB 432	144	HB 1113
45	HB 1359	95	HB 1323	145	HB 1114
46	HB 1054	96	HB 1202	146	HB 1115
47	HB 285	97	HB 326	147	HB 1116
48	HB 585	98	HB 1135	148	HB 1140
49	HB 1107	99	HB 1137	149	HB 1178
50	HB 1118	100	HB 1151	150	HB 1185

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151	HB 1186	201	HB 1462	251	SB 410
152	HB 1190	202	HB 1471	252	SB 437
153	HB 1296	203	HB 1474	253	SB 452
154	HB 1315	204	SB 306	254	SB 472
155	HB 1347	205	SB 327	255	SB 308
156	HB 1386	206	SB 334	256	HB 1025
157	HB 1436	207	SB 335	257	HB 675
158	HB 1447	208	SB 346	258	HB 689
159	HB 1451	209	SB 348	259	HB 497
160	HB 1473	210	SB 355	260	SB 393
161	HB 1501	211	SB 363	261	SB 428
162	SB 350	212	SB 392	262	SB 450
163	SB 405	213	SB 427	263	HB 264
164	SB 425	214	SB 433	264	HB 527
165	SB 441	215	SB 436	265	HB 601
166	SB 462	216	SB 443	266	HB 646
167	SB 471	217	SB 446	267	HB 740
168	SB 382	218	SB 453	268	HB 758
169	HB 1126	219	SJR 1	269	HB 1128
170	HB 1159	220	HB 61	270	HB 1182
171	HB 1183	221	HB 321	271	HB 1255
172	HB 1268	222	HB 411	272	HB 1295
173	HB 1287	223	HB 677	273	HB 1305
174	HB 1298	224	HB 778	274	HB 1329
175	HB 1405	225	HB 1052	275	HB 1344
176	HB 1414	226	HB 1101	276	HB 1357
177	SB 385	227	HB 1117	277	HB 1376
178	HB 263	228	HB 1123	278	HB 1382
179	HB 446	229	HB 1136	279	HB 1396
180	HB 469	230	HB 1138	280	HB 1399
181	HB 505	231	HB 1256	281	HB 1401
182	HB 693	232	HB 1278	282	HB 1455
183	HB 1005	233	HB 1330	283	HB 1493
184	HB 1124	234	HB 1374	284	HB 1494
185	HB 1130	235	HB 1400	285	SB 314
186	HB 1161	236	HB 1430	286	SB 319
187	HB 1164	237	HB 1439	287	SB 321
188	HB 1226	238	HB 1468	288	SB 339
189	HB 1227	239	HB 1491	289	HB 1026
190	HB 1238	240	HB 1495	290	HB 1503
191	HB 1252	241	SB 62		
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193	HB 1283	243	SB 324		
194	HB 1308	244	SB 343		
195	HB 1345	245	SB 362		
196	HB 1372	246	SB 370		
197	HB 1388	247	SB 375		
198	HB 1402	248	SB 376		
199	HB 1434	249	SB 378		
200	HB 1453	250	SB 399		

**BILLS SENT TO INTERIM STUDY**

**CACR 25** relating to right to privacy, providing that an individual's right to live free from governmental interference in private or personal matters is fundamental.

**Constitutional and Statutory Revision**

**HB 55** establishing the New Hampshire countryside trust.

**Resources, Recreation and Development**

**HB 261** relative to delays in processing applications for state public assistance.

**Health, Human Services & Elderly Affairs**

**HB 297** authorizing the racing commission to license electronic games of chance wherever licensed pari-mutuel wagering takes place.

**Regulated Revenues**

**HB 303** relative to instructions to voters on ballots.

**Constitutional and Statutory Revision**

**HB 474** prohibiting bear dog training.

**Fish and Game**

**HB 506** relative to cost-of-living increases in the AFDC standard of need.

**Health, Human Services and Elderly Affairs**

**HB 654** establishing an ethics committee to regulate public officials.

**Legislative Administration**

**HB 695** relative to the establishment and funding of a review board to address grievances of tenants and owners of manufactured housing parks.

**State Institutions and Housing**

**HB 697** relative to compliance with local codes and zoning ordinances and the operation of child day care agencies.

**Municipal and County Government**

**HB 712** relative to access to health care for the uninsured.

**Health, Human Services and Elderly Affairs**

**HB 718** relative to improving access to health insurance coverage for employees of small and moderate sized businesses.

**Commerce, Small Business and Consumer Affairs**

**HB 763** to fund state aid to education, to provide for property tax relief for cities and towns and individuals, to amend the state tax structure, and making an appropriation therefor.

**Ways and Means**

**HB 772** exempting land at aeronautical facilities from taxation.

**Municipal and County Government**

**HB 776** establishing a household hazardous waste management program and a consumer education program on household hazardous wastes.

**Ways and Means**

**HB 1125** relative to an agency's violation of certain notice requirements to municipalities.

**Executive Departments and Administration**



**HB 1131** relative to liability for unauthorized disclosure of confidential telecopy wire communications.

**Science, Technology and Energy**

**HB 1155** relative to school attendance laws and homeless children.

**Education**

**HB 1168** relative to acquiring the Gumpus Pond dam.

**Resources, Recreation and Development**

**HB 1184** relative to special number plates for certain veterans.

**Transportation**

**HB 1188** approving the operation of a water ski course on Squam Lake by the Squam Lake Ski Club.

**Transportation**

**HB 1194** establishing a fund for New Hampshire milk producers.

**Environment and Agriculture**

**HB 1197** requiring the Pease development authority to submit to the state's competitive bidding requirements.

**Executive Departments and Administration**

**HB 1218** authorizing the North Conway water precinct to hire a consultant to study the sewerage situation and making an appropriation therefor.

**Resources, Recreation and Development**

**HB 1223** granting the division of parks and recreation immunity from catastrophic accidents.

**Judiciary**

**HB 1245** implementing the model landscape care act in New Hampshire relative to the application of landscape care products.

**Environment and Agriculture**

**HB 1246** establishing treatment programs for substance-abusing women and their children.

**Health, Human Services and Elderly Affairs**

**HB 1259** requiring certain data to be submitted to the general court from the department of education.

**Education**

**HB 1273** relative to replacement and incidental costs of homeowner policy holders as a result of total loss due to fire.

**Commerce, Small Business and Consumer Affairs**

**HB 1275** relative to death with dignity for certain persons suffering terminal illness.

**Judiciary**

**HB 1276** relative to hearings on the state budget by legislative policy committees.

**Legislative Administration**

**HB 1284** creating the position of medical director in the department of corrections.

**Executive Departments and Administration**

**HB 1285** requiring the director of economic development to obtain information as is reasonably possible from employers who either relocate out-of-state or permanently downsize.

**Economic Development**

**HB 1288** transferring duties under the uniform reciprocal enforcement of support act from county attorneys to the office of child support enforcement services.

**Children, Youth and Juvenile Justice**

**HB 1291** granting municipalities an option for more frequent billing and collection of property taxes.

**Municipal and County Government**

**HB 1292** limiting the civil liability of persons engaged in equine activities.

**Judiciary**

**HB 1294** relative to a small employer health access model act.

**Commerce, Small Business and Consumer Affairs**

**HB 1302** requiring banks to apply consistent, equitable, good faith standards in their lending practices.

**Commerce, Small Business and Consumer Affairs**

**HB 1309** limiting the liability of landowners who allow their land to be used for outdoor educational purposes.

**Judiciary**

**HB 1311** regulating naturopathic health care practice.

**Health, Human Services and Elderly Affairs**

**HB 1319** requiring proof of financial responsibility from persons who have had motor vehicle license revocations.

**Commerce, Small Business and Consumer Affairs**

**HB 1321** imposing controls on the budget, including limiting budget increases, and relative to procedures to be followed when there is a revenue shortfall or a budget surplus.

**Appropriations**

**HB 1322** allowing legislators to testify before the fiscal committee and limiting certain powers of the fiscal committee.

**Legislative Administration**

**HB 1333** requiring a hearing in certain circumstances to determine the need for vocational rehabilitation in workers' compensation claims.

**Labor, Industrial and Rehabilitative Services**

**HB 1336** prohibiting insurance companies from mandating specific motor vehicle glass repair shops.

**Commerce, Small Business and Consumer Affairs**

**HB 1349** requiring certain disclosure during recruitment by multi-level or network marketing corporations.

**Commerce, Small Business and Consumer Affairs**

**HB 1360** authorizing a tri-state fishing license for New Hampshire residents and residents of Maine and Vermont.

**Fish and Game**

**HB 1365** imposing a boat fee on non-motorized craft to be used to establish a fund to provide public access for non-motorized craft.

**Resources, Recreation and Development**

**HB 1381** establishing a procedure to be used in the absence of a living will if the wishes of the terminally ill or permanently unconscious patient were known to other persons.

**Judiciary**

**HB 1384** relative to the right of firefighters and police officers to recover for workers' compensation injuries caused by the negligence of others.

**Labor, Industrial and Rehabilitative Services**

**HB 1385** requiring the division for children and youth services to implement certain procedures for handling complaints regarding abused and neglected children.

**Children, Youth and Juvenile Justice**

**HB 1387** clarifying the laws relative to temporary guardianship.

**Judiciary**

**HB 1393** establishing that fines for summonses for motor vehicle violations for which a plea may be made by mail be paid to the division of motor vehicles.

**Judiciary**

**HB 1415** allowing businesses to use their logos on business directional signs.

**Public Works**

**HB 1421** establishing a task force to develop incentives for energy efficient buildings.

**Science, Technology and Energy**

**HB 1422** establishing procedures for expediting resolution of medical injury claims.

**Judiciary**

**HB 1424** changing certain definitions and penalties in the laws concerning emergency motor vehicle operation.

**Transportation**

**HB 1427** to restrict the policymaking authority of the fiscal committee.

**Legislative Administration**

**HB 1438** requiring the department of administrative services to include consideration of energy efficiency in its purchase of lighting, heating, and cooling devices and establishing an interagency energy efficiency committee.

**Executive Departments and Administration**

**HB 1445** clarifying the definition of a year-round dwelling.

**State Institutions and Housing**

**HB 1454** relative to the motor vehicle fuel tax imposed on propane and compressed natural gases.

**Public Works**

**HB 1460** relative to land fee increases in manufactured housing parks.

**State Institutions and Housing**

**HB 1463** to charge a 10 percent buyer's premium on state-auctioned goods, with the resulting income to be used by the division of historical resources.

**Executive Departments and Administration**

**HB 1467** requiring criminal history record checks for sales of firearms by dealers using a toll-free telephone number.

**Public Protection and Veterans Affairs**

**HB 1483** establishing a system of state financial incentives to stimulate a paper recycling industry in the state of New Hampshire.

**Economic Development**

**HB 1500** making the police standards and training council responsible for certification of corrections officers.

**Executive Departments and Administration**

**SB 184** relative to voter registration.

**Constitutional and Statutory Revision**

**SB 351** prohibiting the sale of certain products containing phosphorus.

**Environment and Agriculture**

**SB 412** relative to signage by nonprofit organizations in zoned commercial or industrial areas.

**Public Works**

**SB 438** relative to the department of transportation equipment inventory fund and making an appropriation therefor.

**Public Works**

**SB 444** relative to the definition of ski craft.

**Transportation**

**SB 469** relative to service retirement allowances and continuing education conferences for retirement system board of trustees.

**Executive Departments and Administration**

**This bill listing will not appear in future Permanent Journals.**



## APPENDIX A

Remarks by Rep. Alf E. Jacobson made on April 21, 1992 regarding the histories of legislative compensation and of annual and biennial sessions.

Rep. Alf E. Jacobson: There are two things that I would like to share with you that may be of interest to you today. One is how we got to where we are in terms of biennial and annual sessions. Secondly, how we got our pay.

There have been all kinds of discussions offered during the arguments that we had year after year over whether we should have biennial or annual sessions. I've heard some people say, including some very important people, that for 200 years we've had biennial sessions and why should we have annual sessions now. The facts are different. We had annual sessions from 1784 to 1879 then we had a series of biennial sessions without limitation, from 1879 to 1960. Beginning in 1960 we got biennial sessions that began on July 1 and were limited to 90 days. The kind of sessions that we had prior to annual sessions were far different from the original biennial sessions and were actually only in force from 1961 through 1983.

It was the Convention of 1876 that changed annual sessions to biennial sessions. It was done for two reasons. One was that the annual sessions were causing too much fury in the towns every year. Members of the House who favored biennial sessions, I should say of the Constitutional Convention, said, "What we need is a little bit of peace." That was one reason why they went to biennial sessions. The second reason was that it was beginning to cost too much. What was happening was that the members of the Legislature were staying longer and longer. They were getting paid \$3.00 per day. Not for the days they were in the Legislature, but for seven days a week. Now, don't get any ideas! They were paid for seven days a week. Prior to this they had met for a period of 116 days but they didn't meet every day. But it was 116 days which I believe carries them into sometime in April. For that reason, members said, "We cannot have that. It is too expensive." Bear in mind, if they got \$3.00 a day for 116 days, they got \$348.00 for the year. The average citizen in New Hampshire at the same time was getting about \$150.00 a year. They were paid, comparatively, a handsome wage in the period before 1876. The Convention of 1876 did establish the biennial session. It established a Senate of 24 members and they changed the election from March to November. One thing that they failed to do was to change the legislative sessions which began in June and they wanted it back to January.

I must read for you some of the interesting things that were said regarding the peace: "The people of this state, at the present time, are surfeited with elections; that they are worn out, exhausted and tired of elections."

One member said, "This way we shall have one year of peace when neighbors can look into each other's faces without knowing whether they are democrats or republicans."

Here is the one in support of moving the meeting of the Legislature from June to January: "The conditions of human life in New Hampshire have entirely altered since the month of June was selected. Now, they can both travel and lodge with health and comfort in January."

One member said: "New Hampshire every summer invites the whole world to visit and live out-doors among her lovely hills, valleys, lakes and forests, while she shuts up in a hot room her own legislature at the very same time."

This failed to gain the votes in 1876 but it was adopted in 1889. We moved from June sessions to January sessions in 1889.

The other big issue was the issue of pay. What happened in 1876 was that the legislature had been increasing every year. It had moved up to be 391 members in 1875, without any increase in population. As a matter of fact, many towns actually had diminished in population over the period, especially since the Civil War because they found much more fertile ground out in Illinois, Iowa and other places. There was no great population increase. They had a little scheme which was based upon 150 rateable polls per member. They played with that. The party in power played with it and would increase the membership so they could increase their majority. One party in 1876 was actually successful in reducing the House from 391 to 280. They changed the formula to 600 male voters. Remember, women did not have the right to vote at that time. But, even so they began to play with it and by the time the Constitutional Convention got around, the membership was back up again.

They met again to try to solve the problem of the cost of the legislature. One effort was to reduce the size of the House. One member offered to have it down to 130 members. He thought that was a nice reasonable amount because the State of New York at that time had 130 members. Someone said, "There are too many politicians in the towns in New Hampshire for that to pass." That never got anywhere. They were left with the problem of how to keep the membership from staying too long and costing too much. They came up with the solution of: "We are going to pay them a salary."

No more per diem of \$3.00 a day. Incidentally, that \$3.00 per day still lives in Special Sessions. When you come, you are still getting that \$3.00 a day. There were proposals for \$300, \$200, \$175 and \$150. First of all, they went and looked at other states. They found that in Maine, they paid \$150. In Connecticut, they paid \$300. In Massachusetts, they paid \$500. How did they come up with the solution for \$200? One member got up and said: "If they stay down there for nine weeks, that is long enough. That is 63 days at \$3.00 a day. That is \$189. We will give them a little extra money."

They settled on the \$200.00.

In 1890, the average income per person in New Hampshire was \$438.00. In other words, the legislature stayed for nine weeks — they could stay longer. One member said: "You can stay forever if you want to, but you will only get the \$200.00."

But, as I said, in 1890 \$438.00 was 45.6 percent of the annual wage. If we translate that into today's figures, the average pay in New Hampshire is \$20,789. If you were to get paid on the same basis that they argued in 1889, you would get \$9,479.78. Interestingly enough, today in Connecticut they get \$16,760. In Maine, they get \$10,500. In Massachusetts, they get \$30,000.

I want to just say two more things and they are quotations. This will help you overcome any disappointment that you may have about not getting the \$9,000. One member of the Convention said: "You will not find any difficulty in Concord or Henniker or any other town in obtaining men to represent the people in the legislature. They are willing to come here. The honor itself is sufficient without any compensation."

I thought it would be a little bit of fun for you to realize where you got the \$200.00 and how we got to where we are today. Incidentally, no one in his wildest dreams in 1889 thought we would be getting the same \$200.00 one hundred years later because they all thought that we should give them a nice sufficient salary. But, that is what we are still getting and we are apparently happy with it.



















